

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA, : 20-CR-549 (AMD)

-against- : United States Courthouse
: Brooklyn, New York

United States Courthouse
Brooklyn, New York

Friday, February 23, 2024
9:45 a.m.

CORY MARTIN,

Defendant.

x

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE

APPPEARANCES:

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Eastern District of New York
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Court Reporter: Nicole J. Sesta, RMR, CRR, RPR
Official Court Reporter
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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

Proceedings

632

1 APPEARANCES - CONTINUED

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3 For the Defendant:

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8 BY: KESTINE M. THIELE, ESQ.

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Proceedings

633

1 THE COURTROOM DEPUTY: All rise.

2 THE COURT: Do we have anything before we bring in
3 the jurors?

4 MS. DEAN: Nothing from the government.

5 MR. CECUTTI: No, Your Honor.

6 THE COURT: Okay.

7 (Jury present.)

8 THE COURT: Good morning, everybody. I hope you had
9 a good night. We're ready to resume.

10 Are you ready to call your next witness?

11 MS. DEAN: Your Honor, before the government calls
12 its next witness, we request permission to read in a
13 stipulation between the parties.

14 THE COURT: Sure.

15 MS. DEAN: May I approach?

16 THE COURT: Yes.

17 MS. DEAN: This is Government Exhibit 1203, a
18 stipulation between the parties. It is hereby stipulated and
19 agreed by and between the United States of America, by the
20 undersigned assistant United States attorneys and the
21 defendant, Cory Martin by his undersigned attorneys as
22 follows:

23 1. Government's 340 is a Coolpad cellular phone
24 (FBI 1B39) with IMEI 861325030866544 and assigned number
25 (347)779-6108.

Proceedings

634

1 Government's 340 was seized by law enforcement and
2 vouchered under Invoice 3000960296, Item 1.

3 Government's Exhibit 340A is a forensic copy of
4 Government Exhibit 340.

5 2. Government Exhibit 341 is an LG cellular phone
6 (FBI 1B23) with MEID 35726908438603, and assigned numbers
7 (347)729-4723, and (347)779-6108.

8 Government Exhibit 341 was seized by law enforcement
9 and vouchered under invoice 3000960318, Item 4. Government
10 Exhibit 341A is a forensic copy of Government Exhibit 341.

11 3. Government Exhibit 342 is an LG Stylo cellular
12 phone (FBI 1B24) with IMEI 356567070877152, and assigned
13 number (347)779-6108. Government Exhibit 342 was seized by
14 law enforcement and vouchered under invoice 3,000960318,
15 Item 5.

16 Government Exhibit 342A is a forensic copy of
17 Government Exhibit 342.

18 4. Government Exhibit 343 is a Samsung Galaxy J7
19 Prime 2017 cellular phone (FBI 1B17) with IMIE
20 355620085404545, and assigned number (718)600-1072.
21 Government Exhibit 343 was seized by law enforcement and
22 vouchered under Invoice 3000960634, Item 1.

23 Government 343A is a forensic copy of Government
24 Exhibit 343.

25 5. Government Exhibit 344 is an LG Tribute HD

Proceedings

635

1 cellular phone (FBI 1B26) with MEID 35726908437174, and
2 assigned number (718)600-1072. Government Exhibit 344 was
3 seized by law enforcement and vouchered under Invoice
4 3000960318, Item 7.

5 Government 344A is forensic copy of Government
6 Exhibit 344.

7 6. Government Exhibit 345 is a Samsung Galaxy J7
8 Prime 2017 cellular phone (FBI 1B16) IMEI 355620084601133 and
9 assigned number (347)729-4723. Government Exhibit 345 was
10 seized by law enforcement and vouchered under invoice
11 3000960344, Item 1.

12 Government's Exhibit 345A is a forensic copy of
13 Government Exhibit 345.

14 7. In each of the above referenced exhibits the
15 term UTC-5 refers to eastern standard time. The term UTC-4
16 refers to eastern daylight time. The term party refers to the
17 users of cell phones identified in the exhibit.

18 The terms incoming and outgoing refer to the
19 direction of a message from a user. The term deleted where
20 followed by a yes indicates that the item was deleted by the
21 user of the applicable device.

22 The stipulation is admissible in evidence as
23 Government Exhibit 1203 and is signed by the parties with
24 today's date.

25 Your Honor, I offer 1203 into evidence.

Proceedings

636

1 THE COURT: All right. It's a stipulation. It's in
2 evidence.

3 (Government's Exhibit 1203 was received in
4 evidence.)

5 MS. DEAN: At this time, the government calls
6 Sergeant Junaid Saeed.

7 (Witness sworn.)

8 THE COURTRoom DEPUTY: State your name for the
9 record.

10 THE WITNESS: Junaid Saeed.

11 THE COURTRoom DEPUTY: Thank you. Have a seat.

12 THE COURT: All right, Sergeant, just a few things
13 before we begin. The chair doesn't move but the microphone
14 does. I want to make sure everybody hears you, including the
15 jury and the parties at both tables. Make sure you're making
16 use of the microphone.

17 Don't speak too fast. Our court reporter takes down
18 everything that you say, and it's harder for her to do her job
19 if we talk too fast.

20 If there's a question that you want to have repeated
21 or clarified, just let me know. Go ahead.

22 (Continued on the following page.)

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J. Saeed - Direct - Ms. Dean

637

1 JUNAID SAEED,

2 called as a witness by the Government, having been first
3 duly sworn/affirmed by the Courtroom Deputy, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. DEAN:

7 Q Good morning, Sergeant Saeed.

8 A Good morning.

9 Q How long have you worked with NYPD?

10 A Approximately seven years.

11 Q As a sergeant, what are your current duties?

12 A Currently, I'm assigned to the 71st Precinct. I'm
13 assigned to the NST team, responding to major incidents and
14 patrol high crime areas.

15 Q What is the NST team?

16 A Neighborhood Safety Team.

17 Q Where did you work in 2018?

18 A The 69th Precinct.

19 Q What was your job there at the time?

20 A At that time I was assigned to patrol.

21 Q Were you working on April 29th of 2018?

22 A Yes.

23 Q What were your hours on that day?

24 A From 3:00 p.m. to 11:35 p.m.

25 Q Did there come a time when you were asked to assist

J. Saeed - Director - Ms. Dean

638

1 detectives who were working on an investigation into the
2 homicide of Brandy Odom?

3 A Yes.

4 Q How were you asked to assist?

5 A I was assigned to stationhouse security. The desk
6 officer asked me to assist the precinct detective squads and
7 Brooklyn south homicide regarding invoicing of property.

8 Q What does it mean to invoice property?

9 A Essentially, invoicing property in the New York City
10 Police Department, you would take the property and place it
11 into an NYPD property bag. That property is then entered into
12 the NYPD PETS tracking system, and then once all that is
13 finalized, the NYPD property tracking system generates an
14 invoice number.

15 Q Is that a unique invoice number for the pieces of
16 property?

17 A Correct.

18 Q What type of property were you given by detectives
19 working on the homicide case to invoice on April 29th, 2018?

20 A Cell phones and other electronic devices.

21 Q And starting with cell phones, how many were you given?

22 A 23.

23 Q What kind of other electronic devices were you given?

24 A Computers, a tablet, from what I remember.

25 Q What did you do with all this property?

J. Saeed - Director - Ms. Dean

639

1 A It was invoiced using the NYPD property application
2 system.

3 Q Did you record the voucher numbers that you used?

4 A Yes.

5 Q Is there something that could refresh your memory on the
6 voucher numbers you used?

7 A Yes, my memo book.

8 MS. DEAN: If the witness only could be shown
9 3500-JS-21.

10 Q Can you take a look at the screen in front of you and
11 tell us if that refreshes your memory of the voucher numbers
12 you used?

13 A Yes.

14 Q What voucher numbers did you use on April 29th of that
15 year?

16 A Starting with invoice number 3000960296, 3000960369, 66,
17 I'm sorry. Invoice number three would be 3000960371. Invoice
18 number seven would be 3000960360. And invoice number five
19 would be 3000960334. Invoice number six, 3000960318, and
20 invoice number seven, 3000960344.

21 MS. DEAN: Your Honor, may I hand the witness
22 several exhibits that were moved into evidence and two that
23 have not yet been?

24 THE COURT: Yes.

25 Q Sergeant, can you take a look at the exhibits in front of

J. Saeed - Director - Ms. Dean

640

1 you? Let me start with Government's 340, 341, 342, 344, and
2 345.

3 Have you looked, before you testified here today, at
4 the contents of each of those government exhibits?

5 A Yes.

6 Q Are these five of those cell phones that you vouchered on
7 April 29th, 2018?

8 A Yes.

9 Q Can you please take a look also at Government's 353 and
10 354?

11 A Yes.

12 Q Have you looked at the contents of Government's 353 and
13 354?

14 A Yes.

15 Q Does that contain the original NYPD packaging that you
16 used to voucher these exhibits?

17 A Yes.

18 MS. DEAN: I ask that Government's 353 and 354 be
19 received in evidence?

20 THE COURT: Any objection?

21 MS. THIELE: No objection.

22 THE COURT: Those will be in evidence.

23 (Government's Exhibit 353 and 354 were received in
24 evidence.)

25 MS. DEAN: No other questions for this witness.

Proceedings

641

1 THE COURT: Any cross-examination?

2 MS. THIELE: No questions for this witness.

3 THE COURT: Thank you, Sergeant. You can step down.

4 Ms. Dean, do you want to get the property up here?

5 Are you ready to call your next witness?

6 MS. DEAN: Yes, Your Honor. The government calls
7 Special Agent Richard Busick.

8 THE COURTRoom DEPUTY: Raise your right hand,
9 please.

10 (Witness sworn.)

11 THE COURTRoom DEPUTY: State your name for the
12 record.

13 THE WITNESS: Richard Busick, R-I-C-H-A-R-D
14 B-U-S-I-C-K.

15 THE COURT: Agent Busick, if you could do a couple
16 of things. Make sure you're doing that, using the microphone,
17 and just make sure you don't speak too quickly so it's not too
18 hard for the court reporter. If there is a question you want
19 to have repeated or clarified, let me know.

20 THE WITNESS: Will do. Thank you, Your Honor.

21 MS. DEAN: Thank you, Your Honor. Before I inquire,
22 at this time I request that Government's 300, 301, 303, 305
23 and 308 be received in evidence as certified telephone records
24 pursuant to 902(11) and 902(13).

25 THE COURT: Any objection?

Proceedings

642

1 MS. THIELE: No objection.

2 THE COURT: Those are in evidence.

3 (Government's Exhibits 300, 301, 303, 305, and 308
4 were received in evidence.)

5 (Continued on the following page.)

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R. Busick - Direct - Ms. Dean

643

1 RICHARD BUSICK,

2 called as a witness by the Government, having been first
3 duly sworn/affirmed by the Courtroom Deputy, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MS. DEAN:

7 Q Good morning, Agent Busick.

8 A Good morning.

9 Q Where do you work?

10 A I'm a special agent with the Federal Bureau of
11 Investigation, also known as the FBI.

12 Q How long have you been a special agent for?

13 A I've been a special agent for over 21 years.

14 Q Are you part of a specific unit with the FBI?

15 A Yes. I'm a member of the Cellular Analysis Survey Team,
16 also known as CAST.

17 Q How long have you been with the CAST unit?

18 A Since September of 2021, so coming up on two and a half
19 years.

20 Q What unit or units were you with before joining CAST?

21 A I've been a part of several units during my time in the
22 bureau. I began in 2002 on the joint terrorism task force for
23 about two years. From approximately 2004 to 2009 I was a
24 member of the New York Organized Crime Drug Enforcement Strike
25 Force, working international narcotics trafficking and money

K. Busick - Director - Ms. Dean

644

1 laundering here in New York City.

2 From 2009 until 2011 I worked on our Hudson Valley
3 safe streets and gang task force out of one of our upstate
4 offices just north of the city, and then from 2011 to 2021 I
5 was assigned to the joint bank robbery and violent crime task
6 force in New York City.

7 Q Can you tell us what your duties and responsibilities are
8 with the CAST unit?

9 A Sure. So in CAST we analyze cellular phone records to
10 determine the approximate location of various phones and
11 mobile devices in the context of investigations.

12 We do this by determining whether the records
13 indicate that a phone was at or in the vicinity of certain
14 locations of interest at certain times. We also use the
15 records to assist in locating people in realtime, such as
16 kidnap victims, missing persons, and fugitives.

17 In our unit we also provide education to other
18 law enforcement in how to conduct what's historical cell site
19 analysis, which is where we do the things I just described.

20 Q Can you please describe what, if any, training you
21 received when you joined CAST?

22 A Sure. There's a fairly extensive training pipeline to
23 become a member of the CAST unit. It starts with what's
24 called a basic historical cell site analysis course. This is
25 usually between two and three days where we learn the basics

K. Busick - Director - Ms. Dean

645

1 of how cell phones and cellular networks operate. We learn
2 about each of the major service providers, including T-Mobile,
3 AT&T, Verizon and others, and then how we can utilize the
4 records from those providers to determine the approximate
5 location of a cell phone or mobile device when it connected to
6 the network. Then we create maps and visually represent that
7 on a map.

8 After completing the basic course, I attended an
9 advanced historical cell site analysis course, which is more
10 of the same but in greater detail spending a bit more time on
11 the unique records available from each of the particular
12 service providers, a lot more practical hands on exercises in
13 mapping out those records and producing reports. Those
14 reports were all evaluated by the training cadre and really
15 just becoming more competent in conducting that type of
16 analysis.

17 From the advanced course forward, it's a competitive
18 process where you have to successfully complete the course,
19 and your performance relative to your peers is evaluated in
20 determining who is going to move on to the subsequent phases
21 of the training.

22 Q Who teaches that advanced course?

23 A That's taught by members of the CAST unit training cadre,
24 which are experienced CAST agents stationed around the country
25 who have been involved in the CAST unit for a long time and

K. Busick - Director - Ms. Dean

646

1 developed a curriculum, much of which is based on historical
2 cases and real cases that have actually been worked over time.

3 Q You mentioned the term historical cell site analysis.

4 Can you tell us what you mean by that?

5 A Sure. By historical, I mean things that have already
6 occurred. So the records that we obtain from any of the
7 service providers, this is typically through legal process,
8 such as a search warrant, unless it's an emergency or exigent
9 matter.

10 These are records of connections between a phone and
11 a network at various times, so when calls were placed or
12 received, perhaps text messages sent or received, and so
13 forth. You almost think of a billing statement, where it's
14 itemized out by the particular connection with certain
15 information about that connection, and it includes information
16 about the cell site that the phone connected to during that
17 connection.

18 The cell site is nothing more than a place on the
19 earth where the service provider, say AT&T, placed antennas
20 for the purpose of communicating with nearby cell phones,
21 which we've all seen these large towers with the triangular
22 structures on the top. Sometimes you see the antennas on the
23 sides of buildings in dense environments, like New York City,
24 and it could really be anywhere. But each of those particular
25 cell sites is identified in a database for that cellular

K. Busick - Director - Ms. Dean

647

1 provider as to the location of that cell site, the direction
2 the antenna may be facing, as well as some other information.

3 So using the information in the records from the
4 service provider, and in correlating that with information
5 about the cell site, we can determine the approximate location
6 that the phone was when it connected to the network by which
7 cell site that it used.

8 Q Were you one of the people that was chosen to move
9 forward from that advanced course you described to us?

10 A Yes, I was.

11 Q What was the next step of your training?

12 A So the last step prior to our certification course is
13 what's called a critical incident readiness assessment. This
14 is basically an evaluation phase that lasts for several days
15 in which we're given problems, which were real life cases
16 worked by members of the CAST unit; thinking kidnapping where
17 a child was abducted and the identity of the kidnapper is
18 unknown and the location of the kidnapper and victim are
19 unknown.

20 Given the information at the beginning of that case,
21 we're required to work through the logical investigative
22 techniques to develop phone numbers of interest, obtain the
23 records for those phone numbers, and then produce maps,
24 written reports, and verbally brief our findings as to where,
25 for instance, we believe that kidnap victim would be located.

K. Busick - Director - Ms. Dean

648

1 These are cases where there was, in fact, a real
2 world answer and our performance throughout those, those are
3 time sensitive. We have a limited amount of time to work
4 through those processes. Upon completion of that course and
5 working through all those problems, final evaluations are made
6 and I was selected to move on from that course into our
7 certification process.

8 Q Can you tell us what the certification process was that
9 you went through?

10 A Sure. So the final step is a four-week certification
11 process where we spend a week, or 40 hours, receiving
12 instruction on radio frequency theory, cellular networks and
13 cellular architecture, just really getting a more in-depth
14 understanding of how cell phones operate and how they work.

15 We meet directly with representatives from each of
16 the service providers. So we met with representatives from
17 AT&T, T-Mobile, Verizon, and US Cellular. We met with
18 custodians of records, who explained to us the types in detail
19 the records they maintain, how long they retain them for, how
20 we request them, and other details about the records. And we
21 also met with the cellular network engineers, who are the
22 people who actually design the networks and manage coverage
23 areas, locations of cell sites, and so forth, to understand
24 how each network operates their own network of cell sites.

25 We also spent time, again, on evaluated practical

K. Busick - Director - Ms. Dean

649

1 exercises. We took written exams. We spent a lot of time
2 learning the software that we utilize during our analysis,
3 which is called ESPA. This is a tool that allows us to
4 visualize the records on a map and create the written reports
5 that you will see later.

6 And then we also spent time doing what's called
7 cellular network surveys, or drive tests. This is where we
8 use a very fancy scanner. Typically we'll load it up in our
9 car, drive all around the area of interest, typically a cell
10 site where we're trying to measure the precise boundaries of
11 the coverage area as precisely as possible to determine the
12 actual footprint of that coverage.

13 And so it gives us a better understanding of really
14 what the coverage areas of the various cell sites look like,
15 and just a better overall understanding of how these networks
16 operate.

17 At the conclusion of that certification process, I
18 successfully completed it and I was certified to be a member
19 of the CAST unit.

20 Q You mentioned the major cell phone providers that
21 instructed during that certification process. Is Sprint now a
22 part of one of those major cell phone providers?

23 A Sprint merged with T-Mobile. So at the time that I went
24 through the course, T-Mobile briefed us on Sprint because
25 Sprint was no longer an independent entity.

K. Busick - Director - Ms. Dean

650

1 So now anything that we would request pertaining to
2 Sprint now would come from T-Mobile. But Sprint no longer
3 exists on its own.

4 Q If you have cell phone service through AT&T, T-Mobile, or
5 Verizon, or formerly Sprint, and you're placing a call using
6 that cell phone service, are you able to place a call from
7 state to state?

8 A Yes.

9 Q Does CAST require an annual recertification?

10 A It does, yes.

11 Q Can you tell us what that consists of?

12 A Sure. There are several requirements, one of which is
13 that we attend our annual recertification course, which is
14 typically 3 to 5 days long, held once a year, where we, again,
15 meet with representatives of each of the providers, other
16 members of the cellular industry.

17 We receive updated instruction from the Florida
18 Institute of Technology on radio frequency theory. We meet
19 with other representatives of our unit from throughout the
20 country just to go over case studies, see what's happening in
21 different market areas, and if there are any differences or
22 other things that are of interest and of note. I last
23 attended that in February and March of last year, and I'll be
24 attending that again, actually, this upcoming week.

25 Q Have you maintained your certification every time an

K. Busick - Director - Ms. Dean

651

1 annual recertification has been required?

2 A I have, yes. And I neglected to mention just some
3 additional requirements to maintain that certification is to
4 analyze a certain number of records every year, conduct
5 cellular network surveys, or drive tests, peer review the work
6 of other members of the CAST unit, and a few other
7 administrative checkbox to make sure we're maintaining our
8 proficiency and competence in conducting cellular analysis.

9 Q Did you also work with historical cell sites and cell
10 site analysis prior to joining CAST?

11 A I did, yes.

12 Q Can you tell us what you did?

13 A Sure. Prior to having expertise to examine and conduct
14 the analysis myself, I regularly utilized members of the CAST
15 unit to analyze records, which I had obtained in regards to
16 cases I was investigating, to determine whether they were
17 consistent with a particular phone of interest being at or at
18 a crime scene.

19 Prior to becoming a member of the CAST unit, I
20 regularly requested records as part of my cases to determine
21 whether those records were consistent with phones of interest
22 being located at or near crime scenes of crimes I was
23 investigating, when those crimes were committed.

24 I also regularly use those records to assist me in
25 locating fugitives, missing persons, kidnap victims. As I

K. Busick - Director - Ms. Dean

652

1 began the process to become a member of the CAST unit, I
2 started to spend more time looking at the records myself. But
3 I would usually pretty much always rely on a member of the
4 CAST unit who had the expertise to assist me in doing that
5 analysis.

6 Q Do you also teach in the field of cell site analysis?

7 A I do, yes.

8 Q Can you explain?

9 A Sure. Another requirement to maintain our certification
10 is that we provide an instruction to other law enforcement
11 historical cell site analysis. So I assist in teaching the
12 basic historical cell site analysis course to other members of
13 the FBI, and to other state and local law enforcement where we
14 help them to understand how to conduct cellular analysis on a
15 basic level.

16 Q Throughout your career approximately how many -- well,
17 since becoming a member of CAST, approximately, how many cases
18 have you worked on?

19 A I would say it's well over 100, probably closer to
20 200 cases.

21 Q And throughout your career how many sets of cell site
22 records from phone companies have you analyzed?

23 A Definitely a few thousand.

24 Q Approximately, how many sets of cell site records have
25 you mapped?

K. Busick - Direct - Ms. Dean

653

1 A About the same, a couple thousand.

2 Q Have you testified in court with regard to cell site
3 analysis and mapping?

4 A Yes, I have.

5 Q Approximately, how many times?

6 A Over 20 times.

7 Q Can you tell us what courts and jurisdictions you've
8 testified in?

9 A Yes. I've testified here in the Eastern District of New
10 York several times; testified also in the federal court in the
11 Southern District of New York, across the river; testified in
12 the federal court for the Northern District of New York in
13 Albany.

14 I've testified in Bronx County Criminal Court, as
15 well as Queens County Criminal Court, and also at the criminal
16 court in St. Paul, Minnesota.

17 Q Have you previously been qualified as an expert in cell
18 site analysis and mapping when you've testified?

19 A Yes, I have.

20 Q Have you ever been denied qualification as an expert in
21 those fields?

22 A No, I have not.

23 MS. DEAN: Your Honor, at this time the government
24 offers Special Agent Busick as an expert pursuant to Rule 702
25 in cell site analysis and mapping.

K. Busick - Direct - Ms. Dean

654

1 THE COURT: Any objection?

2 MS. THIELE: No objection.

3 THE COURT: When a witness possesses knowledge and
4 expertise that most of us don't possess, the witness is
5 permitted to testify as an expert. I'll give you some further
6 instructions about that in my final charge. Go ahead.

7 Q Is there any difference between what you've described to
8 us before and called a cell site and the term cell tower?

9 A No. Often I will use those terms interchangeably. But
10 the more precise term would be cell site. When I think of a
11 cell tower, I'll often think of a standalone structure, large
12 steel girders with that triangular shaped structure at the
13 top.

14 Those are still out there. But in a dense --
15 especially in a dense urban environment like New York City,
16 there's not a lot of real estate for that type of thing. So
17 oftentimes times these antennas will be mounted on the tops or
18 the sides of buildings. They may be on light posts or street
19 lamps. They may even be inside buildings or in subways.

20 The more precise term is cell site, although I do
21 find myself still sometimes using the term cell tower but
22 we're talking about the same thing.

23 Q How do cell phones communicate with a cell site?

24 A So a cell phone, your cell phone is on and it's not
25 connected to the network. It's going to be scanning the

K. Busick - Director - Ms. Dean

655

1 signal from the various cell sites in the vicinity looking for
2 the one which is providing it with the best serving signal.

3 It does this for a couple of reasons. One, so that
4 when you pick up your phone to place a call it already knows
5 where it's going to route that call through so your call can
6 be completed quickly.

7 It's also alerting the network to its location, or
8 at least to which cell site it's connected to, so that when
9 somebody tries to contact you via text message or phone call,
10 the network can route that call through to your phone.

11 So when it's what we would call idle mode, scanning
12 the network -- and to be clear, if you have a T-Mobile phone,
13 your phone is scanning for T-Mobile cell sites. If you have a
14 Verizon phone it's scanning for Verizon cell sites.

15 When your phone is on and powered on it's scanning,
16 looking for that cell site providing it with that best serving
17 signal. And when you pick up your phone and place a call, or
18 a call is placed to you and you pick up and connect, your
19 phone is connecting to that cell site and a record is
20 generated by the service provider.

21 Q What is a coverage area in the context of cell sites?

22 A So coverage area is the area that each particular cell
23 site or antenna is tuned to provide coverage to. So we could
24 think of a cellular network and say a large parking lot in
25 perhaps an suburban shopping mall, where there are light posts

K. Busick - Director - Ms. Dean

656

1 spaced around the parking lot. In a parking lot they're
2 typically fairly evenly spaced, not necessarily so with cell
3 sites, but it works the same way where each light is
4 providing -- is illuminating an area in its immediate vicinity
5 and as you're very close to that light, it would be very
6 bright, and as you get further away that light would be a
7 little dimmer but you're going to pick up light from another
8 light post.

9 So you should have overlapping coverage of light in
10 the parking lot, so wherever you walk or drive you're never in
11 the dark. The cellular network works pretty much the same
12 way, where each cell site is providing coverage generally in
13 its immediate area or an area it was specifically tuned to
14 provide coverage to, and it's going to have some overlap with
15 adjacent cell sites so that if you're moving and you're on the
16 phone you don't drop a call or lose your connection.

17 But that cell site is designed to provide coverage
18 in the area in which it is, for instance, if I'm on one side
19 of the parking lot and I wanted to pull my keys out of my
20 pocket to find my car key, I'm going to use the light from the
21 light that's right where I am. I'm not going to be using the
22 light that's across the parking lot so that I can see my keys.
23 Roughly works the same way with cellular networks.

24 Q Do you know how cell phone service providers situate
25 their cell sites in order to provide their customers with the

K. Busick - Direct - Ms. Dean

657

1 best service?

2 A Yes. It will vary. How they set up the network is going
3 to vary by a number factors, from the density of users, how
4 many customers they have in a particular area.

5 It's going to depend on the terrain or geography,
6 are there mountains or hills. Is there a large water
7 features, things like that.

8 Large buildings, other structures that we have in an
9 urban environment, subways, things like that. But they will
10 do an analysis to determine where they need cell sites to
11 provide coverage.

12 Now that all these networks are very mature and well
13 established, they'll continually monitor them to determine
14 where they might need to establish additional cell sites to
15 provide additional coverage, or as the technology improves and
16 more bandwidth is required, they will also utilize that
17 information to determine how and where to set up those
18 particular sites.

19 Q Generally, what cell site does a cell phone connect to
20 when it interacts with a network?

21 A It will always connect to a cell site in which the phone
22 is in -- when the phone is in the coverage area, it has to be
23 in the coverage area of a cell site to connect to that site.

24 All things being equal, the closer you are to a cell
25 site, the stronger that radio signal will be and you would be

K. Busick - Direct - Ms. Dean

658

1 very likely to connect to the nearest cell site. That is
2 often the case.

3 But particularly here in a dense environment where
4 there are all kinds of cell sites providing all types of
5 sometimes very targeted coverage, again, think things like
6 subways, or there might be other features like large buildings
7 that are affecting which site is providing the best signal, it
8 could be a cell site that's slightly further away.

9 So to explain this, I'll give you an example. If we
10 were standing out front of the Empire State Building, and just
11 on the back side of the building was a cell site, it's one
12 block away, it's the closest cell site to where I'm standing.

13 But on the same side of the building where I am
14 three blocks away, so a bit further is another cell site, but
15 I can actually see that one with my own eyes, there's nothing
16 obstructing it but the closer one behind me has the Empire
17 State Building, a very large building between me and that cell
18 site, I might connect to that one three blocks away because
19 it's providing me with a better signal than the one that's
20 right behind me.

21 That being said, I have to be within the designed
22 coverage area of that cell site. So when the networks are
23 established, all these factors are taken into account.

24 But the important thing to know is I'm going to
25 connect to a nearby cell site. I'm not going to connect to

K. Busick - Direct - Ms. Dean

659

1 one that's out by say JFK airport if I'm standing near the
2 Empire State Building. There's going to be hundreds, if not
3 more, if not thousands of cell sites between me and there.

4 Q Are there any other factors besides distance or
5 obstructions that go into determining which cell site will
6 provide that strongest, clearest signal for a phone to connect
7 to?

8 A Sure. So in addition to terrain, I mentioned a cell site
9 is designed to provide particular coverage. So, again, if we
10 think Manhattan where the network is the densest, although it
11 would apply elsewhere, as well, you know there will be cell
12 sites located in the subway.

13 So I may be standing right on top of the subway
14 station that has a cell site in it designed to provide
15 coverage underground, and that's the closest cell site, even
16 though when I'm above ground I'm going to receive a signal and
17 a better signal from a cell site that may be several blocks
18 away just because that cell site is designed to provide
19 coverage above ground.

20 Likewise, large office buildings, sports stadiums,
21 will often have small cell sites located inside of them to
22 help address the number of customers and users within those
23 areas.

24 But if I'm right outside of that building, I may
25 still connect to a cell site that's a bit further away because

K. Busick - Direct - Ms. Dean

660

1 those cell sites are designed to provide coverage inside the
2 building.

3 Again, I still have to be within the coverage area
4 that's designed for a particular cell site, but it's not
5 always going to be the very closest cell site for those
6 reasons.

7 Q So does the density of cell sites in New York City, for
8 example, affect the range of the cell phone user from the cell
9 site itself at the time it connects with the network?

10 A It will affect -- it will affect the coverage area of
11 each cell site. So if we think of a rural area, we go out
12 west into the mountains somewhere, where there's not a lot of
13 people, cell sites may be placed miles and miles apart because
14 there's not a lot of users.

15 There's not a lot of obstruction and you can be much
16 further from the cell site and still get a good signal.

17 So those coverage areas are going to be very large.
18 So the precision with which we can locate the phone, because
19 in my analysis what I'm basically going to say is the records
20 are consistent with the phone being at or in a certain area
21 based on the coverage area that we would expect from a
22 particular cell site.

23 So if the cell towers are say ten miles apart, it's
24 going to be a gigantic coverage area relative to somewhere
25 like New York City where cell sites might be blocks apart, a

K. Busick - Direct - Ms. Dean

661

1 quarter mile apart.

2 They're much closer, the coverage areas are going to
3 be smaller so we can more precisely locate the phone because
4 those coverage areas are smaller.

5 (Continued on next page.)

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R. Busick - Direct - Ms. Dean

662

1 (Continuing.)

2 BY MS. DEAN:

3 Q So in an area like New York City like how you've just
4 described, how precisely are you able to determine the
5 location of the user of a phone at the time the phone
6 connects to a network?

7 A It will -- it will vary. You know, it varies based on
8 the exact location of the surrounding cell sites and any
9 particular area, but typically, we can be what I would
10 consider fairly precise. We may be looking at an area of
11 several blocks. Sometimes it may extend out, you know, a
12 quarter mile or a little bit more from a particular cell
13 site. It varies. And it won't be the same for every cell
14 site across the board because every area is different. But
15 it's -- it's fairly precise information.

16 And again, I cannot look at the records and tell
17 you based solely on the records this means a phone was at
18 this particular address or this particular intersection.
19 What I'm looking at is trying to determine are the records
20 consistent with a phone being at or in those vicinities or
21 are they not.

22 Q Did you conduct historical cell site analysis related
23 to the investigation into the homicide of Brandy Odom?

24 A Yes, I did.

25 Q What information did you use to perform historical cell

R. Busick - Direct - Ms. Dean

663

1 site analysis?

2 A I used cellular records that were obtained from the
3 actual service providers by the Government through legal
4 process. So those are the records of the connections
5 between the phone and the network. And then I also received
6 information regarding pertinent locations and dates and
7 times during the investigation in order to conduct my
8 analysis of those records within those pertinent dates,
9 times, and locations.

10 Q Have you reviewed Government Exhibits 300, 301, and
11 303?

12 A Yes, I have.

13 Q And were those all phone records that you reviewed and
14 analyzed in this case?

15 A Yes.

16 Q And what were you asked to do specifically?

17 A I was asked to analyze those records for particular
18 phones and determine, based on those records, the
19 approximate locations of those phones when they connected to
20 the network based on the pertinent times, dates, and
21 locations of the case.

22 MS. DEAN: If I can pull up now for the witness
23 and the jurors Government's 301, the file that begins with
24 Report Crick, and if we could look at page 1.

25 (Exhibit published.)

R. Busick - Direct - Ms. Dean

664

1 Q Agent Busick, what does it say under User Information
2 next to Name at the bottom there?

3 A Next to Name it says Cory Martin.

4 Q And what does it say for Service Start Date on these
5 phone records?

6 A It's March 8, 2018.

7 Q Is there any termination date on these phone records?

8 A At the time that the records were requested, this phone
9 number was listed as an active account.

10 MS. DEAN: If we can scroll to the top of page 1
11 so that we can look at the date that the records were
12 produced.

13 Q Do you see that date in the top left-hand corner?

14 A Yes. That's May 6, 2018.

15 Q If we can look back at User Information, what is
16 MSISDN?

17 A That is essentially the phone number of the cell phone.

18 Q And what number is listed here?

19 A It's (347) 729-4723.

20 Q To the right, what is IMSI?

21 A That's the International Mobile Subscriber Identifier.
22 That's the number that is linked to the account, typically
23 to the SIM card that is in the phone.

24 Q If we can turn to page 3 here, is there a second number
25 listed for this Cory Martin account?

R. Busick - Direct - Ms. Dean

665

1 A Yes. At the bottom under User Information, that number
2 is (718) 600-1072.

3 MS. DEAN: Can we please now pull up, from
4 Government's 300, the file called Report AU.

5 (Exhibit published.)

6 Q Agent Busick, did you create maps related to both of
7 the numbers that we just looked at, the number ending in
8 4723 and the number ending in 1072?

9 A Yes, I did.

10 Q What company produced the records that you used to make
11 the maps?

12 A AT&T.

13 Q If we can now look, now that we've got 300 up, the file
14 Report AU, are these the records associated with the
15 accounts that we just looked at the subscriber information
16 for?

17 A Yes.

18 Q Both phone numbers?

19 A Yes. AT&T produces the records for both phone numbers
20 on the same report.

21 Q What is the date range for these AT&T records?

22 A The date range is April 1, 2018 through April 11, 2018.

23 MS. DEAN: If we can scroll through the pages to
24 the last page.

25 Q And on the last page, are there additional items for

R. Busick - Direct - Ms. Dean

666

1 April 12th, as well?

2 A Yes. However, the records are produced in what's
3 called Universal Coordinated Time, or UTC time. That time
4 is either four or five hours ahead of eastern time. During
5 this particular time frame, we were in Eastern Daylight
6 Time, which means that UTC time was four hours ahead of
7 eastern time.

8 So at the top of the page, when it lists the date
9 and times for which the records were queried, that's in
10 eastern time. But because they're produced -- always
11 produced in Universal Coordinated Time, we would expect to
12 see records that may be up to four hours into April 12th.

13 Q So, for instance, if we look at that last line, line
14 2716, and it says April 12th, '18, that the timestamp is
15 0241, you have to subtract the amount of hours to adjust
16 from UTC into Eastern Standard Time?

17 A Correct. So 0241, that would be 2:41 a.m. But the
18 Eastern Daylight Time which corresponds to that time would
19 be 10:41 p.m. on the night of the 11th.

20 MS. DEAN: Can we scroll back up now to the first
21 page of these records.

22 Q I'll ask you to just go through the columns in the
23 record so you can explain to the jurors what kind of
24 information is in these AT&T records.

25 A Sure.

R. Busick - Direct - Ms. Dean

667

1 So it starts on the left side; we have an item
2 number. It's just a sequential numbering of each of the
3 particular interactions starting with number 1 on the first
4 page.

5 The next two columns, we have Connection Date and
6 Connection Time, and you can see the little note there UTC.
7 Again, these are in Universal Coordinated Time and need to
8 be converted to local time when I'm conducting my analysis.

9 AT&T includes something called seizure time,
10 that's the next column to the right. That just has to do
11 with how long does it take, say, between when the number was
12 dialled or the phone is ringing and the person actually
13 picks up or connects to the phone.

14 ET is elapsed time. That is the duration of a
15 call, and it's given in minutes and seconds; in other words,
16 how long did that call last.

17 Originating Number is the number which placed the
18 call. So what we're looking at here are just voice calls
19 right now. So we can see under Originating Number that
20 phone number ends in 2479. That means that's the phone
21 number that called the target phone, in this case we're
22 looking at records for the 4723 phone which we can see under
23 terminating number. So this is what we would call an
24 incoming call, because it's an incoming call to the 4723
25 phone, which is the number that we're interested in and

R. Busick - Direct - Ms. Dean

668

1 we're looking at the records for.

2 The next two columns just pertain to identifiers
3 for the actual phone or device itself, as well as a
4 subscriber. That's the IMEI and IMSI.

5 Next column is CT, call type. That, again, lets
6 us know what type of call we're looking at. That MT means
7 mobile terminating. So it terminated with our phone of
8 interest or it was an incoming call.

9 Feature would tell us if there were any particular
10 features of interest used. A common one we'll see is if a
11 call was forwarded to voicemail because it wasn't answered,
12 and there are other codes, as well.

13 And then finally, of interest to us is this last
14 column that says Cell Location. This will provide the
15 information about the particular cell site the phone
16 connected to at the time that it connected.

17 On the first line we can see under Cell Location
18 basically a bunch of zeros and a couple of ones. That's
19 indicative of a wifi call where the target phone, the 4723
20 phone, was not actually using the cellular network. It may
21 have been connected via wifi. So the information about the
22 call is recorded, but there's no location information
23 available for that wifi connection, so we can't say where
24 the phone was during that connection.

25 If we go down to the next line under Cell

R. Busick - Direct - Ms. Dean

669

1 Location, we see a lot more numbers, and this is that
2 information about the particular cell site. So it's in
3 brackets, there's a first long number. That corresponds to
4 the identifier of the particular antenna on the cell site
5 that the phone connected to. Then there's a colon and
6 another number that's 110833, and that's the unique
7 identifier of the cell site. We'll get into a little more
8 detail with this later, but a particular cell site or tower
9 very likely has multiple antennas on it, so we can know
10 which antenna on that site the phone connected to.

11 Next, we have geographical coordinates of the
12 precise location of the cell site. So not the phone, but
13 the cell site the phone connected to.

14 And then after that we have what's called the
15 azimuth, or directional facing of the particular antenna
16 that the phone connected to during that connection. So if
17 an antenna is broadcasting a signal in a certain direction,
18 think of a pole with a few floodlight on it. One is facing
19 north at, say, zero degrees, one is facing 120 degrees, one
20 is facing 240 degrees, and each one is sending a beam in a
21 specific direction. That's basically what this corresponds
22 to, except with a radio signal, and that aids in our
23 analysis of the approximate location of the phone when it
24 was connected.

25 Q One thing you mentioned was that we were looking at a

R. Busick - Direct - Ms. Dean

670

1 page that shows all voice calls; is that right?

2 A That is correct.

3 Q Do these records for the Cory Martin account with AT&T
4 also have text message data?

5 A Yes. AT&T also records information on text messages
6 sent and received by the phone along with cellular location
7 of the phone during those records. However, it separates
8 them out in the actual records they send. So they list
9 first just the voice calls and then just the text messages
10 all together.

11 Q Are calls that are made over wifi or iMessages or calls
12 that are made on chat apps like WhatsApp reflected in call
13 detail records like the one we're looking at here?

14 A No.

15 So what we'll see on the call detail records are
16 only calls or text messages made or received in what I would
17 say is, like, the traditional manner; a traditional cellular
18 voice call. Other things that we have now, we have wifi,
19 which I explained. So if you're connected to wifi and using
20 that wifi signal, it's not using the normal cellular network
21 architecture. So while they may record information about
22 the calls or text messages, there won't be location
23 information.

24 However, if you use something like iMessage or
25 FaceTime, which are both Apple apps, or Facebook Messenger,

R. Busick - Direct - Ms. Dean

671

1 WhatsApp, think any type of messaging app, or a voice over
2 IP type app and connection, you may still be using the
3 cellular network, but there you're using cellular data.
4 You're probably all familiar with data, a data plan on your
5 phone. Usually I think they're unlimited now or maybe you
6 pay by data. It's still using the cellular network, but
7 it's not recording the information in the same manner. So
8 if you're using iMessage or FaceTime, we're not going to see
9 a reflection of those particular connections in the records
10 even though you're using the cellular network.

11 Q What is Pinger?

12 A So Pinger is one of those types of communication apps
13 where you can send and receive text messages, say, using
14 data services. So messages sent or received. I don't
15 recall if you can also make voice calls on Pinger or not,
16 but regardless, any communications sent or received using
17 Pinger, for example, will not be reflected in the call
18 detail records.

19 Q And is it correct that through Pinger you can have an
20 app-based phone number?

21 A Yes.

22 Q Is it possible to get cell site location information
23 from the company Pinger using an app-based phone number?

24 A No.

25 MS. DEAN: I'm now going to ask that we pull up,

R. Busick - Direct - Ms. Dean

672

1 for the witness only, Government Exhibit 26.

2 Q Do you recognize this?

3 A I do, yes.

4 Q What is Government's 26?

5 A This is a report that I produced for this case.

6 Q Is the content of this report drawn entirely from the
7 records marked Government's 300 that we just opened and
8 looked at together?

9 A Yes, it is.

10 Q Does this report highlight some of the information that
11 is contained in those phone records at Government's 300?

12 A Yes.

13 Q What information?

14 A So it contains the information for two particular
15 phones for which we had received records, and it contains
16 information about the connections, both voice calls and SMS
17 messages sent or received by those phones during a
18 particular time period for which cellular location or cell
19 site information was provided by AT&T.

20 Q What is the time period that your report spans?

21 A It is roughly April 2nd through April 10th of 2018.

22 MS. DEAN: Your Honor, the Government moves to
23 admit Government's 26 into evidence.

24 THE COURT: Any objection?

25 MS. THIELE: No objection.

R. Busick - Direct - Ms. Dean

673

1 THE COURT: All right. That will be in evidence.

2 (Government's Exhibit 26 received in evidence.)

3 (Exhibit published.)

4 Q Now, you said that the date range spans April 2nd to
5 April 10th of 2018. Does this report show the location of
6 the cell sites used by both the 4723 phone number and the
7 1072 phone number throughout that entire period?

8 A Yes.

9 Q So if the cell phone company, in this case AT&T,
10 provided location information for either of these two
11 numbers in that date range, you mapped it here?

12 A That's correct.

13 Q And does this include voice calls and text messages?

14 A Yes, it does.

15 Q Looking at page 1, what date did you prepare this
16 report?

17 A January 4, 2024.

18 MS. DEAN: Can we pull up for the witness and
19 jurors Government's 28.

20 (Exhibit published.)

21 Q Can you please read from Government's 28 the name of
22 the person associated with phone number (347) 729-4723?

23 A Cory Martin.

24 Q And can you also read the name of the person associated
25 with number (718) 600-1072?

R. Busick - Direct - Ms. Dean

674

1 A Adelle Anderson.

2 Q If we can return now to Government's 26, I'll show you
3 page 2 of your report.

4 (Exhibit published.)

5 Q Please explain the information on page 2.

6 A So this is just an explanation of the methodology I
7 used to prepare the report.

8 So again, I take the records, the cellular records
9 from AT&T which were provided to me by the Government, as
10 well as the list of pertinent locations, dates, and times.
11 I import all of that information into that mapping software
12 we use that I mentioned before called ESPA. This just
13 facilitates visualizing that data on a map and visualizing
14 large amounts of records.

15 Then I conduct an analysis based on those dates,
16 times, and locations, and I create maps based on the
17 connections of each of the phones during these particular
18 time frames, and I prepare them into a report based on that
19 information.

20 Q And does this page contain information about the time
21 zone of your maps?

22 A Yes. So this report, everything that's depicted in
23 this report is in Eastern Daylight Time. If you recall, I
24 said that was four hours behind UTC time, which is the time
25 that's displayed in the original records.

R. Busick - Direct - Ms. Dean

675

1 Q So you've converted the time zone for us in your maps?

2 A Correct.

3 Q Was this report peer reviewed?

4 A Yes, it was.

5 Q What does that mean?

6 A Any report that we prepare in the CAST Unit for trial
7 is peer reviewed by another member of the CAST Unit. What
8 that means is I provide them with my report, all of the
9 records and any other pertinent information I used to
10 conduct my analysis, and they go through and just verify
11 that everything that's reflected in my report is a fair and
12 accurate representation of what is -- what is in the
13 records.

14 MS. DEAN: Can we turn to page 3, please.

15 Q What does Sectors and Orientation mean?

16 A I kind of talked about this, but this is an
17 illustration which will hopefully help lend some clarity to
18 it.

19 What we're looking at in the illustration on the
20 right side of the screen is a bird's eye view if we were
21 standing directly over the top of what I call a traditional
22 cell tower. So that's that triangular structure that we
23 would see on the top of a tower. On each side of that
24 triangle, we can see that there are antennas. That's what
25 those little white things are that are kind of hanging off

R. Busick - Direct - Ms. Dean

676

1 the sides of each of these. Those are the antennas that are
2 broadcasting signal in particular directions.

3 And as I mentioned, in the records it identifies
4 not just which cell site which would encompass this whole
5 tower we're looking at that a phone connected to, but which
6 antenna on that cell site the phone connected to, as well as
7 which direction that that antenna is broadcasting its
8 signal.

9 So, for instance, the antennas associated with
10 Sector 1 would be located on the top side of this tower and
11 would be broadcasting signal into the red area here. We
12 would see that identified as an azimuth of zero degrees in
13 the records, and we would basically divide up the circle
14 into three roughly equal sides, pie wedges. So an azimuth
15 of zero degrees you would display with a wedge that's sort
16 of facing to the north, as I'm indicating here on the
17 screen.

18 So if we were standing in the red area relative to
19 the cell tower, we would generally expect to connect to
20 Sector 1 on this tower. If we were to move clockwise around
21 the tower into the blue area, we would eventually expect to
22 connect to Sector 2, and so on as we continued around into
23 the green area of Sector 3.

24 So this gives us additional information as to the
25 approximate location of the phone, because the coverage

R. Busick - Direct - Ms. Dean

677

1 areas of each of those sectors is directly related to which
2 direction the antenna is broadcasting signal. So if we
3 identified that a phone was connecting to this cell site in
4 Sector 2, we would expect to find the phone somewhere in
5 this area right here indicated by Sector 2.

6 MS. DEAN: Can I turn to page 4, please.

7 Q Starting with the left side, what is the three-sector
8 illustration? Is this just more detail on what you've been
9 describing to us?

10 A Yes. So this just shows how we would illustrate this
11 on a map.

12 On the left side we can see in the map a black
13 wedge, and where the arms of that wedge means is a blue dot.
14 That's an AT&T cell site, and that's the cell site that was
15 used by the phone during this particular connection. We can
16 see some other dots on the map, as well. That just
17 indicates the location of surrounding AT&T cell sites. And
18 we can see, because that wedge is facing up towards the top
19 of the screen, that the radio signal is being broadcast in
20 that area, and we would expect to see the phone somewhere in
21 the area that I indicated on the screen.

22 It's important to understand that the little black
23 shaded circle doesn't mean that the phone is in that circle,
24 although it might be. That's just a visual aid, especially
25 when there are a lot of sectors on the screen, to help show

R. Busick - Direct - Ms. Dean

678

1 which direction that that particular sector is facing.

2 And then the information from the records which
3 corresponds to that call are displayed in that event box on
4 the right, which include the date and time of the call or
5 message, the type of interaction, whether it's a phone call,
6 SMS, incoming, outgoing, how long that call lasted, if it
7 was a voice call. The one we're looking at here was 1,598
8 seconds, which is over 26 minutes. And then the phone
9 that our target number was in contact with. So in this
10 case, our target was in contact with a number ending in
11 5027.

12 Now, throughout this report there are two phones,
13 and I've color coded the wedges displayed on the map and the
14 text in the box with the particular phone that we're
15 mapping. So anytime we see that black text or black wedge,
16 that corresponds to the 4723 phone, which is what we're
17 looking at. The other phone, which ends in the number 1072,
18 will always be displayed with a blue wedge and blue text, so
19 when they're both appearing on the screen at the same time,
20 we can discern which ones correspond to which phone.

21 Q So in your illustration here, the cell phone that this
22 target phone is connecting -- the cell site the target phone
23 is connecting to, is that the blue dot that's at that tip of
24 the V, just right under the V, the black V?

25 A Correct. It's right -- it's kind of hard for me to

R. Busick - Direct - Ms. Dean

679

1 precisely point it out, but where I've indicated with the
2 pink, right where those 2 arms come together.

3 MS. DEAN: If we can turn to page 5, please.

4 Q What does page 5 indicate?

5 A So this is just a general geographic overview of the
6 areas that I mapped in preparing my report. I've indicated
7 a few of the locations of interest, as well as the AT&T
8 network that was in place during April of 2018, the time of
9 interest in this case.

10 Each of those blue dots represents a specific
11 location of an AT&T cell site. And as I discussed earlier,
12 we can see in the upper left portion of the map, in
13 Manhattan, it's extremely dense. Those cell sites are
14 practically on top of each other just because of that
15 density of usage and the density of customers in that area.

16 And then as we get further out from the city,
17 whether it's west into New Jersey or out east through
18 Brooklyn and Queens and into Long Island, they eventually
19 become separated a bit further apart, having larger coverage
20 areas, because less infrastructure is needed to provide the
21 same level of coverage.

22 As I mentioned, the further apart those cell sites
23 are, the larger the coverage area is, and the less precisely
24 we can locate the phone when it made a connection, versus
25 when those cell sites are almost on top of each other, we

R. Busick - Direct - Ms. Dean

680

1 know that those coverage areas are smaller, and the phone
2 would had to have been closer to the cell site when it
3 connected.

4 MS. DEAN: Mr. Rader, would you zoom in on the
5 bottom portion of the map from the CP reference point all
6 the way to the legend?

7 Q What is the legend in the bottom right corner?

8 A So the legend just indicates the locations of interest
9 that are marked out on the map.

10 The top one with the red marker located roughly in
11 the center of the screen is the Martin residence at
12 249-45 148th Road in Rosedale, New York. Just to the west
13 or northwest of that red marker we'll see a purple marker,
14 also roughly in the center of the screen. That's the
15 residence of Anderson's mother, that's 134-29 157th Street
16 in Jamaica, New York. And then to the far left on the lower
17 portion of the screen is a green marker that says CP in
18 white, and that's Canarsie Park located in the area of
19 Seaview and Remsen Avenues in Brooklyn.

20 MS. DEAN: Can we turn to Slide 6.

21 Q Did you map location information for the Martin and
22 Anderson phone numbers on April 2, 2018?

23 A Yes, I did.

24 Q What reference point did you place on this map at
25 page 6?

R. Busick - Direct - Ms. Dean

681

1 A So we see at the center -- roughly center left portion
2 of the screen the red marker denoting the Martin residence.

3 Q And what is the time period that you mapped on this
4 slide?

5 A This is 7:08 a.m. through 8:21 p.m. on April 2, 2018.

6 Q Could you please talk us through what this slide shows.

7 A Sure.

8 So we can see the two phones are both depicted on
9 this map. The 4723 phone is depicted in black, and the 1072
10 phone depicted in blue. There are three cell sites used
11 during this time period by either one or both of the phones.
12 We can see tower reference number 1, which is located in the
13 vicinity of the Martin residence. Both phones utilized that
14 cell site up through roughly 7:20, 7:30 in the evening.

15 Q So all day, the Martin and Anderson phones are using
16 the cell site in the vicinity of the Martin residence until
17 about 7:30 p.m.?

18 A Yes. That's the only cell site indicated that either
19 of those phones used during that time.

20 Q Can you describe what if any movement of the Martin and
21 Anderson phones you see after 7:30 p.m. on April 2, 2018?

22 A Yes.

23 So after that time, roughly at 8 p.m. we can see
24 that the phone -- the 1072 phone is using two cell sites,
25 tower references 2 and 3, which are located roughly to the

R. Busick - Direct - Ms. Dean

682

1 northwest of the Martin residence, and that the 4723 phone
2 in black is utilizing that tower reference number 2. And
3 this is roughly between 8:00 and 8:20 p.m.

4 Q I want to zero in for a moment on that tower you
5 labelled 2.

6 What, if anything, does it signify that both
7 phones hit on the tower 2 between 8:04 and 8:19 p.m.?

8 A That would be consistent with both phones being located
9 together or in the general vicinity. They both went from
10 utilizing the same cell site and sector up until roughly
11 7:30 p.m., and are now using a different cell site and
12 sector facing a different direction. But they're both on
13 that same cell site during that period.

14 Q During the time period on April 2nd from 7 a.m. through
15 approximately 8 p.m., do the Martin and Anderson phones
16 contact each other at all?

17 A I would just need to refresh my recollection.

18 MS. DEAN: And if the witness only could have
19 3500-RB-11.

20 A I believe there was some limited communication between
21 the phones.

22 Q And do you know if that was before or after 8 p.m. on
23 April 2nd?

24 A Prior to 8 p.m.

25 MS. DEAN: If we can go back to Government's 26,

R. Busick - Direct - Ms. Dean

683

1 please.

2 Can I have Government's 300?

3 (Exhibit published.)

4 MS. DEAN: If we can scroll down to April 2nd,
5 please.

6 Q Are you able to look at these records -- I know these
7 are the records in UTC, but can you look at these records
8 and show us where on April 2nd the Martin and Anderson
9 phones have contact with each other for those calls that you
10 just described to us?

11 A So -- and this is only looking at the voice calls here
12 for the Martin phone. So it's actually -- and I may have
13 misspoke, I think I said 8:00.

14 On line 27, which actually shows April 3rd of 2018
15 at 0004, which would correspond to 8:04 p.m. on the 2nd, we
16 can see a call between 4723, which placed a call to the 1072
17 phone. So that's item 27. We can see again, at item 28, a
18 similar call. We can see that at -- so I think what we're
19 seeing there is actually the same call. AT&T is showing
20 what we call legs of a call, where it's showing both sides
21 of the transaction. So it's showing it from the originating
22 call and the terminating call, because they're both AT&T.
23 So it's really just showing kind of one connection there.

24 And we can see that there's a call forwarded to
25 voicemail. So that call was not answered by the 1072 phone;

R. Busick - Direct - Ms. Dean

684

1 it was forwarded to voicemail.

2 And then we can see, at 8:07, actually a call in
3 the other direction from the 1072 phone to the 4723 phone.
4 That call lasted for about a minute and a half.

5 Q And that activity is all -- it's just a hair after
6 8 p.m.?

7 A Yes. So I apologize, I believe I misspoke on that.

8 MS. DEAN: If we can just turn back to
9 Government's 26, and we'll go to page 7.

10 (Exhibit published.)

11 Q Did you map the rest of the activity for the phones on
12 April 2nd of 2018?

13 A I did, yes.

14 Q What is the time range for your slide on page 7?

15 A So this covers all connections between either of the
16 two phones between 8:40 p.m. and 11:33 p.m. on April 2nd.

17 Q Proceeding chronologically, can you explain what
18 slide 7 shows about the movements of the Martin and the
19 Anderson phone on the night of April 2nd?

20 A Yes.

21 So the Anderson phone in blue, beginning with
22 tower reference 1 in the upper right, so between -- and I
23 believe it's -- it's a little hard for me to read at this
24 level, but I believe that's between 8:40 and 8:52 p.m. The
25 Anderson phone utilized cell site number 1 before then using

R. Busick - Direct - Ms. Dean

685

1 cell site number 2, tower reference 2 in the far left, at
2 9:00 and 9:01 p.m., and then settling in at tower reference
3 number 3 between 9:04 and 11:33 p.m. That's in the vicinity
4 of that purple marker which is the residence of Anderson's
5 mother.

6 And the only -- the only network usage for the
7 4723 phone in black that we have is back in the vicinity of
8 the Martin residence in red in the lower right portion of
9 the screen, and that's a 10:04 p.m. incoming text message
10 from the Anderson phone in blue.

11 Q And so what is the first time that the Anderson phone
12 connects to the cell site in the vicinity of the Anderson
13 mother residence on April 2nd?

14 A 9:04 p.m.

15 Q And according to your map, by 10:04 p.m., is the Martin
16 phone back in the vicinity of the Martin residence?

17 A Yes.

18 MS. DEAN: Can we turn to the next slide, please.

19 Q Did you map the cell site activity and the movement of
20 the Anderson and Martin phones for April 3rd of 2018?

21 A Yes, I did.

22 Q What is the time frame of your map on slide 8?

23 A So this is 8:37 a.m., the time of the first call or
24 text message during that date, and 2:53 p.m. again on
25 April 3rd.

R. Busick - Direct - Ms. Dean

686

1 Q What are the reference points that we see on this
2 slide?

3 A So starting on the far right, we have the Martin
4 residence in red. In the center right portion of the
5 screen, we have the residence of Anderson's mother in
6 purple. And in the left center portion of the screen, in
7 green with the CP, is Canarsie Park.

8 Q So this map covers areas of Queens and Brooklyn?

9 A Yes.

10 Q During this time frame, 8:37 a.m. to 2:53 p.m., how
11 many cell sites does the Anderson phone use?

12 A One.

13 Q Near what reference point?

14 A Near the residence of Anderson's mother.

15 Q So for that entire time frame, every time the Anderson
16 phone connects to the network, it's in the vicinity of the
17 Anderson mother house?

18 A That's correct.

19 Q Did you map the location information for the Martin
20 phone during this same time frame?

21 A I did, yes.

22 Q Describe to us the movement of the Martin phone on this
23 map.

24 A So the Martin phone begins at tower reference 1 on the
25 right side of this screen, which again is in the vicinity of

R. Busick - Direct - Ms. Dean

687

1 the Martin residence. It utilizes that cell site between
2 10:02 a.m. and 10:29 a.m.

3 We next see it using tower reference number 2 to
4 the west of Anderson's mother residence along the Belt
5 Parkway at 11:05 a.m. It continues on to tower reference 3
6 located just north of Canarsie Park on the left center
7 portion of the screen, where it connects at 11:19 a.m. And
8 then finally, we see it at tower reference 4 between 12:18
9 and 12:22 p.m.

10 Q And this whole time frame, the Anderson phone is in the
11 vicinity of the Anderson mother residence?

12 A Yes, that's correct.

13 Q Did you continue to map these phones throughout the
14 rest of April 3rd of 2018?

15 A Yes, I did.

16 MS. DEAN: Can we move to the next slide, slide 9.

17 Q What is the time range reflected for your map on
18 slide 9?

19 A So this is continuing on April 3rd, and this is between
20 3:33 p.m. and 11:28 p.m.

21 Q And again, is the Anderson phone using one cell site
22 this entire time frame, too?

23 A Yes, it is, the very same cell site as in the previous
24 map.

25 Q Near what reference point?

R. Busick - Direct - Ms. Dean

688

1 A Located in the vicinity of the residence of Anderson's
2 mother.

3 Q What does the Martin phone do between 3:33 and
4 11:29 p.m. on April 3rd?

5 A So the Martin phone travels back towards the direction
6 of the Martin residence. The first usage we have is at
7 3:33 p.m., tower reference number 1, and then tower
8 reference number 2. So tower reference 1, that was at
9 3:33 p.m. The next usage was tower reference 2, just to the
10 east of that first cell site, and that is at 5:33 p.m. And
11 then we next see the Martin phone just after 10 p.m. at
12 tower reference 3 in the vicinity of the Martin residence.

13 Q And what time is the Martin phone back in the vicinity
14 of the Martin residence?

15 A It's just after 10:00. I believe that says 10:08.
16 It's a little difficult for me to discern with the
17 resolution. But it is after 10 p.m.

18 Q Is there any data that suggests that the Anderson and
19 Martin phones are together on April 3rd of 2018?

20 A No.

21 Q What does the data suggest about these two phones?

22 A The data would suggest -- would be consistent with the
23 Anderson phone being at or in the vicinity of Anderson's
24 mother's residence throughout the day, and with the 4723, or
25 Martin phone, traveling in the morning from the vicinity of

R. Busick - Direct - Ms. Dean

689

1 the Martin residence into Brooklyn and then returning back
2 to the vicinity of the Martin residence.

3 Q Is there contact between the Anderson and Martin phones
4 on April 3rd?

5 A I would have to refresh my recollection on that again.

6 MS. DEAN: Can the witness only be shown
7 3500-RB-11.

8

9 (Continued on the following page.)

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Busick - Direct - Ms. Dean

690

1 A So during the entirety of the day there was in fact some
2 contact between the two phones. I think there were four text
3 messages sent between the phones.

4 DIRECT EXAMINATION (Continued)

5 MS. DEAN: We can return to 26, please, for
6 everyone. I'd like to turn to slide 10 now.

7 Q Did you map location information for April 4th, 2018 for
8 both of these phones?

9 A Yes, I did.

10 Q Does this slide 10 depict the entire day of April 4th?

11 A It does.

12 Q Starting with the Anderson phone, what does your map
13 show?

14 A So the Anderson phone depicted in blue again shows that
15 phone using the same cell site we've seen in the last two
16 slides, located in the vicinity of the residence of
17 Anderson's mother. It's using that cell site between
18 12:18 a.m., its first connection during the day and
19 11:34 p.m. that night.

20 And the Martin phone, in black, is seen using the
21 cell site in two separate sectors located in the vicinity of
22 the Martin residence and this is between 8 a.m. and 11 p.m.

23 Q Did you break out the Anderson phone and Martin phone
24 into separate slides for this day?

25 A I did, yes.

Busick - Direct - Ms. Dean

691

1 MS. DEAN: Can we turn to slide 11.

2 Q What does slide 11 show?

3 A This is just closer in view of what we saw on the last
4 slide which shows the cell site and sector used by the
5 Anderson phone in blue. You can see that cell site is
6 located roughly two blocks south of the residence of
7 Anderson's mother, which is denoted in purple, that antenna,
8 and it is broadcasting to the north and the residence of
9 Anderson's mother will be located within the expected
10 coverage area of that cell site.

11 Q And you told us earlier but when you say that the
12 Anderson phone is located, you know, in the vicinity of the
13 Anderson mother reference point, that there is a range of an
14 area that it can be located in, could you just circle for us
15 the approximate range that you would expect to find the
16 Anderson phone?

17 A Sure. So I can't say precisely what the boundaries of
18 that coverage area would be, but I would expect to see it
19 somewhere generally in this rough area.

20 MS. DEAN: The witness has indicated by drawing a
21 pink circle in the center of the map ranging from the blue
22 pie wedge up to --

23 A Roughly Baisley Boulevard, you know, roughly where
24 Baisley and Guy Brewer Boulevard meet. We're going to --
25 that's just an eyeball estimation, it's not a precise

Busick - Direct - Ms. Dean

692

1 boundary of the coverage area.

2 MS. DEAN: If you can clear that, thank you.

3 Q You also said you broke out the location information for
4 the Martin phone on the same day, right?

5 A Yes, I did.

6 Q Could you turn to slide 12.

7 Talk us through what you mapped in slide 12.

8 A So I basically just broke this map up into three time
9 periods just to illustrate when the different sectors on that
10 cell site were used.

11 So in the far left portion of the map, between
12 8 a.m. and 3:18 p.m., the Martin phone is using that cell
13 site, which is located just to the west of the Martin
14 residence and that signal is being broadcast to the lower
15 right portion of the screen, I believe that's 120 degrees.
16 So that takes us up through 3:18 p.m.

17 The next time that the phone connected to the AT&T
18 network was at 5:18 p.m. We can see utilizing the same cell
19 site, however, this time the antenna is facing zero degrees
20 north and broadcasting up towards the top of the map.

21 And then from 5:35 p.m. through 11:05 p.m. the
22 phone again returns to using that sector facing the lower
23 right-hand portion of the map approximately 120 degrees.

24 Q And that first and last sector is the one where the
25 Martin residence is in that black shaded area?

Busick - Direct - Ms. Dean

693

1 A Yes.

2 Q Tell us what, if anything, does the change in sector
3 during the incoming call at 5:18 p.m. indicate to you about
4 the location of the Martin phone?

5 A So it is quite possibly indicative of movement of the
6 phone. Where the Martin residence is located is very close
7 to the boundary of those coverage areas. There could
8 potentially be overlapping coverage area there, however, we
9 consistently see that phone utilizing the sector that's
10 facing the lower right portion of the screen here. This is
11 the most commonly used cell site sector for this phone which
12 would indicate to me it's most likely the sector providing
13 coverage to Martin residence and its immediate area.

14 So the sector facing to the north is also providing
15 coverage in the area but likely the phone used a different
16 sector because there was some movement of the phone from
17 where it was for the rest of the day.

18 Q Now you noted something at the top of this slide about
19 the amount of contact between the Martin and Anderson phones,
20 tell us about that.

21 A So throughout the entirety of the day there were 15 SMS
22 messages between the 4723 phone and the 1072 phone.

23 Q If we can zoom in on the right-hand side, do you -- you
24 break out those contacts into the call out box on the right?

25 A I do, yes.

Busick - Direct - Ms. Dean

694

1 MS. DEAN: If we can zoom in just so that you can
2 see the timestamps.

3 Q When does those text messages between the Martin and the
4 Anderson phones start on April 4th?

5 A So I see the first one is roughly at 10:32 p.m.

6 Q They continue from there?

7 A Yes. Up through 11:05 p.m.

8 Q Is there any data from the cell phone company on
9 April 4th that suggests that the Anderson and Martin phones
10 are together on April 4th?

11 A No.

12 Q In fact, what does all of the data from the phone
13 company suggest about these two phones?

14 A That throughout the day each of the phones are using
15 different cell sites separated by some distance that would
16 not be consistent with those phones being together throughout
17 the day.

18 Q So let's take a look at your next slide and what happens
19 on April 5th.

20 Did you map the locations of the Anderson and the
21 Martin phones on April 5th?

22 A Yes, I did.

23 Q What is the time range for this map we're looking at on
24 slide 13?

25 A So on April 5th, this begins at 12:13 a.m., which is the

Busick - Direct - Ms. Dean

695

1 first time that the Anderson phone connected to the network
2 on that date and goes through 7:30 p.m.

3 Q Starting with the Anderson phone, what can you tell us
4 about the approximate location of the Anderson phone from the
5 beginning of that day all the way up until 7:30 p.m. on
6 April 5th?

7 A So that phone is, again, continuing to use the same cell
8 site and sector we've seen depicted on previous slides in the
9 vicinity of the residence of Anderson's mother, and the
10 Martin phone continues to use the cell site that's located in
11 the vicinity of the Martin residence and that's between
12 4:23 a.m., the time of its first connection on this date, and
13 approximately 7:15 p.m.

14 Q During this time period where the Martin phone is in the
15 vicinity of the Martin residence, does it use all three
16 sectors of that one cell site?

17 A It does, yes.

18 Q What does that suggest to you about the movement of the
19 Martin phone between 12:13 a.m. and 7:30 p.m. on April 5th?

20 A It would suggest that there is some movement on that
21 phone in that general area which is causing it to use sectors
22 on all three sides of that tower beginning at 4:23 a.m.
23 during its first connection.

24 Q On April 5th, during this time frame, was there contact
25 between the Anderson and Martin phones?

Busick - Direct - Ms. Dean

696

1 A Yes. Approximately 17 contacts between the two phones.

2 Q If we can look at your next slide. Did you map the rest
3 of the day from 7:30 p.m. on for the Anderson and Martin
4 phones on April 5th?

5 A I did, yes.

6 Q What does slide 14 show us about the location of the
7 Anderson and Martin phones at 7:34 p.m.?

8 A So at 7:34 p.m. both phones are using the same tower and
9 sector in the vicinity of the residence of Anderson's mother.
10 During this time there is an eight-second call from the
11 Martin phone to the Anderson phone.

12 Q So at 7:34 p.m. the Martin phone has traveled from the
13 vicinity of his residence to the vicinity of Anderson
14 mother's residence on April 5th?

15 A Yes.

16 Q And you said there was an outgoing call from the Martin
17 phone to what phone at 7:34 p.m.?

18 A To the Anderson phone.

19 MS. DEAN: If I can now publish Government's 132
20 please.

21 Can we move to page three -- page 4. Can you zoom
22 in please on the highlighted portion.

23 (Exhibit published.)

24 Q Agent Busick, can you read the date that is highlighted?

25 A April 5th.

Busick - Direct - Ms. Dean

697

1 Q And can you read what it says right after the pound or
2 number sign in the highlighted portion?

3 A 011766.

4 Q I'm sorry, just below that I guess there is another
5 pound sign, it's my mistake.

6 A Walmart Supercenter, Valley Stream, New York.

7 Q I'll turn back now to Government's 26 and if we can look
8 at the next slide that you mapped for April 5th.

9 What is the time frame reflected in your next slide
10 for April 5th?

11 A 7:56 p.m. through 9:10 p.m. on the 5th.

12 Q What are the reference points that you placed on this
13 map?

14 A Again, starting with the Martin residence in red in the
15 center, the lower left portion of the map and just above
16 tower reference 1 is a blue marker with a WM on it, which
17 denotes the location of Walmart 77 Green Acres Road West in
18 Valley Stream, New York.

19 Q Where do the Martin and Anderson phones next connect to,
20 cell site-wise after they connected to the cell tower at
21 7:34 p.m. in the vicinity of Anderson's mother's home?

22 A Both cell phones use that tower reference 1 located in
23 the vicinity of the Walmart. The Anderson phone connecting
24 between 7:56 p.m. and -- sorry, I'm having a hard time
25 reading it, and I believe that's 9 p.m. and the -- I'm sorry,

Busick - Direct - Ms. Dean

698

1 8:50 p.m. so between 7:56 and 8:50 p.m. the Anderson phone is
2 utilizing tower reference 1 in the vicinity of the Walmart,
3 and during this time frame the Martin phone connects only one
4 time, that's at 8:44 p.m. on that same cell site and sector.

5 Q And after that time period, that 7:56 to 8:50 p.m. time
6 period, tell us -- and Mr. Rader, if you could zoom out just
7 a little bit, tell us what activity for either phone --
8 sorry, what activity for either phone do you see then?

9 A The only activity after that time up through 9:10 p.m.
10 is from the Anderson phone. You can see it's using tower
11 reference number 2 to the east of the Walmart at 8:59 p.m.
12 and then tower reference 3, which is north of the Walmart,
13 between 9:06 and 9:10 p.m.

14 Q Did you finish mapping April 5th on your next slide?

15 A Yes, I did.

16 MS. DEAN: Can we turn to slide 16, please.

17 (Exhibit published.)

18 Q Was there any additional cell site data for the Martin
19 phone after that 8:44 p.m. call in the vicinity of the
20 Walmart?

21 A No, there was not.

22 Q What about the Anderson phone?

23 A Yes, there was activity for the Anderson phone between
24 9:20 p.m. and 11:48 p.m.

25 Q And where is the Anderson phone approximately during

Busick - Direct - Ms. Dean

699

1 that time period?

2 A That phone is using the cell site in the vicinity of the
3 Martin residence, which would be consistent with it being
4 located at or in the vicinity of the Martin residence during
5 that time.

6 THE COURT: Ms. Dean, I wonder if this is a good
7 time for a break and, well, I'm going to tell you this,
8 because I have another matter I have to handle.

9 So, ladies and gentlemen, this is going to probably
10 take us about 25 minutes. I just have a couple of other
11 cases that I have to deal with. So we'll be in recess until
12 about maybe five to noon and I'll see you then.

13 Don't talk about the case, but take the time to
14 relax a little bit.

15 THE COURTROOM DEPUTY: All rise.

16 (Jury exits the courtroom.)

17 THE COURT: The witness can step down.

18 THE WITNESS: Thank you.

19 (The witness stepped down.)

20 THE COURT: Everybody can sit down. We're going to
21 break for 20 minutes or so, I have a few other things I have
22 to handle.

23 (Recess.)

24 THE COURTROOM DEPUTY: All rise.

25 THE COURT: Hi, everybody can sit down. I know

Busick - Direct - Ms. Dean

700

1 Mr. Martin is being brought out, let's get the witness back
2 on the stand and we'll go get the jury.

3 (The witness resumed the stand.)

4 THE COURTROOM DEPUTY: All rise.

5 (Jury enters the courtroom.)

6 THE COURTROOM DEPUTY: You may be seated.

7 THE COURT: All right, ladies and gentlemen, sorry
8 about that people are little chattier than I thought they
9 would be.

10 We're ready to resume with the direct examination
11 of the special agent. Go ahead.

12 THE COURTROOM DEPUTY: The witness is reminded he's
13 still under oath.

14 THE WITNESS: Yes, thank you.

15 MS. DEAN: If I could please have Government's 26
16 back up for everyone.

17 DIRECT EXAMINATION (Continued)

18 BY MS. DEAN:

19 Q So Agent, just to finish off our conversation about your
20 maps for April 5th of 2018, is it correct that the last
21 communication between the Anderson and Martin phones on
22 April 5th is at 7:34 p.m. when they were both in the vicinity
23 of the Anderson mother's house?

24 A Yes, that's correct.

25 MS. DEAN: We can move on now to the next slide,

Busick - Direct - Ms. Dean

701

1 slide 17.

2 (Exhibit published.)

3 Q Did you map the location information for the Martin and
4 Anderson phone numbers on April 6th, 2018?

5 A Yes, I did.

6 Q What is the time frame for this slide?

7 A The slide depicts all calls and text messages between
8 12:03 a.m. on the 6th and 5:39 p.m.

9 Q Where do both the Anderson and Martin phones connect to
10 during that entire time frame on April 6th all the way up
11 until 5:39 p.m.?

12 A During that time frame the only cell site connected to
13 by either of those phones is the one depicted on the map
14 located in the vicinity of the Martin residence.

15 Q I want to direct you to this pop out box down at the
16 bottom left of your slide, what does the pop out box signify?

17 A This signifies that during this time period the Martin
18 phone, ending in 4723, was in contact with a phone number
19 (646)571-7520 five times during the period to include two
20 phones calls and three text messages.

21 Q And for all of those communications with the number
22 ending in 7520, it was in the vicinity of where?

23 A The Martin phone, the 4723 phone, was located in the
24 vicinity of the Martin residence.

25 MS. DEAN: Can we turn now to slide 18.

Busick - Direct - Ms. Dean

702

1 (Exhibit published.)

2 Q Did you continue to map location information for both
3 the Anderson and Martin phones on April 6th?

4 A Yes, I did.

5 Q Does slide 18 show the rest of the day of April 6th,
6 specifically 6:04 p.m. to 11:37 p.m.?

7 A It does, yes.

8 Q Did you place reference points on this slide?

9 A I did. Again, the Martin residence depicted in the red
10 marker in the center portion of the screen and just to the
11 northeast or upper right of that in an orange marker with an
12 HD on it in the vicinity of tower reference 1, that denotes
13 the Home Depot at 101 Green Acres Road West in Valley Stream,
14 New York.

15 Q So let's start with the Anderson phone during this time
16 frame. Where does it connect to during the entire time frame
17 on this slide?

18 A It remains on the same cell site sector we saw on the
19 previous slide from earlier in the day, which is located in
20 the vicinity of the Martin residence.

21 Q Let's turn now to the Martin phone. Can you describe
22 the location information that you mapped on this slide for
23 that phone?

24 A So during this time the Martin phone is using three
25 other cell sites between 6:04 p.m. and 6:45 p.m. beginning

Busick - Direct - Ms. Dean

703

1 with tower reference number 1, which is located in the
2 vicinity of the Home Depot at 6:04 p.m. It uses tower
3 reference number 2, which is just to the northwest of the
4 Home Depot but facing in that direction at 6:38 and
5 6:45 p.m., and tower reference number 3, which is the
6 northern most tower utilized by the Martin phone during this
7 period at 6:42 p.m.

8 Q So let's talk about the activity at 6:04 p.m. Does the
9 outgoing call made by the Martin phone at 6:04 p.m., is the
10 phone at or near the Home Depot at that time?

11 A This record will be consistent with that phone, the
12 Martin phone being at or in the vicinity of Home Depot, yes.

13 Q What is the number, if you can read it, what is the
14 number that the Martin phone calls at 6:04 p.m.?

15 A (240)483-5027.

16 MS. DEAN: If we can open Government's Exhibit 308.
17 I'm going to ask to publish the last document in the file for
18 Government's 308.

19 (Exhibit published.)

20 MS. DEAN: If we can just scroll down to page two
21 please.

22 Q Agent Busick, what company's records are these?

23 A These records are from Sprint.

24 Q If we can just scroll down to account details. Can you
25 read the name under account billing address right under the

Busick - Direct - Ms. Dean

704

1 effective date, what is the first and last name?

2 A Diane Chandler Hector.

3 Q If you can just scroll up on these records. What is the
4 subject number?

5 A Subject number is (240)483-5027.

6 Q If we can scroll down one more time. What is the city
7 and state for Chandler Hector?

8 A Orlando, Florida.

9 MS. DEAN: We can just go back now to Government's
10 26, slide 18, the slide we were on.

11 Q While the Martin phone is traveling in the vicinity of
12 towers 1, 2 and 3 on this slide, does it connect with the
13 Anderson number at all?

14 A It does, yes.

15 Q At what time?

16 A 6:38 p.m.

17 Q And is that the only connection on April 6th for the
18 Anderson and Martin phones?

19 A Yes. Certainly during this time period.

20 MS. DEAN: We can now turn to slide 19.

21 (Exhibit published.)

22 Q Did you map the location information for both of these
23 phones on April 7th of 2018?

24 A Yes, I did.

25 Q What is the time frame you mapped on slide 19?

Busick - Direct - Ms. Dean

705

1 A 2:50 a.m. and 2:03 p.m.

2 Q What does slide 19 show about the locations of the two
3 phones?

4 A This shows that between 2:50 a.m. and 11:25 a.m., the
5 Anderson phone was utilizing sector reference 1 at the center
6 of the screen just to the left of the Martin residence. This
7 is the sector that is facing towards the lower right portion
8 of the screen approximately 120 degrees. At 1:32 and
9 1:35 p.m. there are two calls between the Martin and Anderson
10 phone. The Martin phone is using that same sector reference
11 number 1 in the vicinity of the Martin residence and during
12 these calls the Anderson phone is using tower reference
13 number 2, which is located just to the north of the Martin
14 residence at 1:47 p.m.

15 THE COURT: P.m.?

16 THE WITNESS: Yes, p.m.

17 At 1:47 p.m. the Anderson and Martin phones are
18 again in contact. The Martin phone is still on the same
19 sector, sector reference number 1 that it was on earlier, and
20 the Anderson phone is using the same tower but sector
21 reference number 3 which is facing approximately 240 degrees
22 or the lower left portion of the map.

23 And then at 1:53 p.m., again both phones are
24 utilizing sector reference 1, which is facing towards the
25 Martin residence, and between 1:53 and 2:03 p.m., the

Busick - Direct - Ms. Dean

706

1 Anderson phone has a couple of more usages of that tower.

2 Q And so when -- actually, I'll go to the next slide now.

3 Did you continue to map the location information for these
4 phones on April 7th of 2018?

5 A Yes, I did.

6 Q What is the time frame that we see in slide 20?

7 A 2:42 to 4:46 p.m.

8 Q And what are the reference points on this map?

9 A So again, on the far right we have the Martin residence
10 in red. In the center right portion of the screen we have
11 the residence of Anderson's mother in purple, and on the
12 lower left portion of the map we have Canarsie Park marked
13 with green flag with a CP on it.

14 Q Could you describe to us the movement that you mapped,
15 just moving chronologically please.

16 A Sure. So we last saw both the Martin and Anderson
17 phones using that cell site in the vicinity of the Martin
18 residence. And at 2:42 p.m. we see the Anderson phone using
19 tower reference A from 2:42 to 2:43 p.m. We see that the
20 Anderson phone then uses tower reference B, which is located
21 in the vicinity of Anderson's mother's residence from 3:07 to
22 4:46 p.m., and at 2:51 p.m. marked in red with a red 1 is the
23 same cell site but that's the first communication for the
24 Martin phone during this time period.

25 So at 2:51 p.m. the Martin phone is using the cell

Busick - Direct - Ms. Dean

707

1 site in the vicinity of Anderson's mother residence, and then
2 from 3:07 to 4:46 p.m. the Anderson phone is using that same
3 cell site.

4 Q So if I can just stop you there. So when the Anderson
5 phone travels first to A and then to B, and the Martin phone
6 travels to the vicinity of tower 1, is that consistent with
7 those phones traveling together?

8 A Yes, especially when looked at in totality with the
9 records from the previous map where both phones were located
10 using the same tower in the vicinity of the Martin residence.

11 Q So you said that -- if we can just enlarge the box in
12 the center of the screen, it's a little hard to read. You
13 said that the Anderson phone then connects to the tower in
14 the vicinity of the Anderson mother residence from 3:07 to
15 4:46 p.m.; is that right?

16 A Yes, that's correct.

17 Q During that time frame does the Martin phone go
18 elsewhere?

19 A Yes, it does.

20 MS. DEAN: If we can just zoom out for the jury so
21 we can all look at that together.

22 Q Please explain the movement of the Martin phone during
23 that time period.

24 A So we next see the Martin phone at 3:13 p.m. utilizing
25 tower reference 2 located just north of Canarsie Park on the

Busick - Direct - Ms. Dean

708

1 left side of the screen and then we see it using tower
2 reference 3 at 4:21 p.m., that's located to the northwest or
3 the left side of the map.

4 Q Are you able to determine from this data if the Anderson
5 and Martin phones traveled together to Brooklyn on April 7th?

6 A This would not be consistent with the phones traveling
7 together to Brooklyn from the vicinity of Anderson's mother's
8 residence.

9 Q And looking at the 4:21 p.m. incoming call that you
10 mapped on the far left side by tower 3, who was the Martin
11 phone receiving a call from?

12 A The Anderson phone.

13 Q Let's take a look at slide 21, does that continue on
14 April 7th, 2018?

15 A Yes, it does.

16 MS. DEAN: If we can just zoom out a little so we
17 can see everything.

18 Q Where is the Martin phone connecting during this time
19 frame, and please tell us the time frame?

20 A This is 5:20 p.m. to 7:26 p.m. This is showing activity
21 only of the Martin phone, which is using the towers in
22 sectors indicated all of which are located in the general
23 vicinity of Canarsie Park.

24 Q I'd like to zero in with you on the time frame between
25 7:23, 7:24, 7:25 and 7:26 p.m. During those minutes, does

Busick - Direct - Ms. Dean

709

1 the Martin phone connect to multiple cell sites on this map?

2 A It does, yes.

3 Q Which ones, just so we can focus on those?

4 THE WITNESS: If you're able to just zoom in enough
5 so I can make sure I get the times correct that would be
6 great. And then just slide over a little bit. Yes, that's
7 good.

8 So at 7:23 p.m. we see the phone using tower
9 reference 4 which is on the lower left, the lower left
10 portion of the screen for two incoming text messages. And
11 then at 7:25 and 7:26 we see it utilizing tower reference 5,
12 which is on the further right portion of the screen. And
13 then at 7:26 we also see it using sector reference 3, which
14 is on the tower that's north of Canarsie Park, but the sector
15 that's facing towards the lower right portion of the screen.

16 So during that time its using three sectors from
17 three separate towers that are all generally facing toward
18 the general direction of Canarsie Park.

19 Q Can you explain what this tells us about the location of
20 the Martin phone during this time frame that it's connecting
21 in that same group of minutes to all three of those cell
22 sites?

23 A So this is likely an area of overlapping coverage which
24 is what we would expect to see in the network so that
25 connections can be continuously maintained. The reason why

Busick - Direct - Ms. Dean

710

1 it may be bouncing between the sectors could just -- it's
2 very likely indicative of some movement within the area that
3 it's varying which sector is providing the better coverage at
4 a time -- at any given time between those three sectors,
5 which are, I would say are generally providing coverage
6 roughly in this area is where you're going have that overlap.

7 MS. DEAN: The witness has placed a pink circle
8 around the outside of Canarsie Park, which is marked by a CP.

9 Q Are the Martin and Anderson phones connecting during
10 this time frame?

11 A Yes, they are. There was one voice call and 26 SMS
12 messages between the Martin and Anderson phones during this
13 time.

14 Q And I don't think I asked you this yet, but just in case
15 anyone doesn't know, what is an SMS message?

16 A SMS is a text message that would be reflected in the
17 call detail records.

18 Q Specifically, are the Martin and Anderson phones
19 connecting during those minutes that we just zeroed in on
20 7:23, 7:25 and 7:26?

21 A Yes, those are all communications between the Martin and
22 Anderson phones.

23 MS. DEAN: Can we move to the next slide please,
24 slide 22.

25 (Exhibit published.)

Busick - Direct - Ms. Dean

711

1 Q Did you map roughly the same time frame for the Anderson
2 phone?

3 A I did, yes.

4 Q What is the time frame you mapped on slide 22?

5 A This is 5:20 to 7:31 p.m.

6 Q What is the location information you mapped for the
7 Anderson phone in this time frame?

8 A So the Anderson phone is using only the cell site and
9 sector indicated on the map in the vicinity of the residence
10 of Anderson's mother.

11 Q During the time period where the Martin phone is
12 connecting in the vicinity of Canarsie Park and the Anderson
13 phone is connecting where you placed it on this map, are the
14 users of the Martin and Anderson phones together or separate?

15 A It would be separate at this time.

16 Q Can we turn to slide 23 now.

17 Did you map the phones for the remainder of
18 April 7th?

19 A Yes, I did.

20 Q What is the time frame for this slide?

21 A The slide depicts 7:40 p.m. through 11:33 p.m. on
22 April 7th.

23 Q Where does the Martin phone connect to at 7:40 p.m.?

24 A It connects to the same cell site being used by the
25 Anderson phone located in the vicinity of Anderson's mother

Busick - Direct - Ms. Dean

712

1 residence.

2 MS. DEAN: Mr. Rader, if you can enlarge that area
3 with the box as well.

4 Q Who does the Martin phone call at 7:40:16 p.m.?

5 A The Martin phone calls the Anderson phone.

6 Q Where is the Anderson phone at that point?

7 A It is on the same cell site in the vicinity of the
8 residence of Anderson's mother.

9 Q Is it fair to say there are multiple contacts between
10 those two phones at 7:40 and 7:41 p.m.?

11 A Yes.

12 MS. DEAN: If we can just zoom out.

13 Q Was there additional activity for both phones that you
14 were able to map?

15 A Yes. We additionally see both of those phones utilizing
16 the cell site depicted in the vicinity of the Martin
17 residence.

18 Q And at the end of April 7th, the last location
19 information for both the Martin and Anderson phones, where
20 does it put those phones?

21 A At or in the vicinity of the Martin residence.

22 Q In the records that you reviewed for April 7th for the
23 Anderson phone, was there any data whatsoever that suggested
24 that the Anderson phone traveled to Brooklyn?

25 A No, there was not.

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713

1 Q Have you reviewed a calendar for April of 2018?

2 A Yes, I have.

3 Q What day of the week was April 8th, 2018?

4 A As I recall, April 8th was a Sunday.

5 Q So would it be correct that April 7th into April 8th
6 would be a Saturday into a Sunday?

7 A Yes.

8 MS. DEAN: If we can look at slide 24 now, please.

9 (Exhibit published.)

10 Q Did you map the location of the Anderson phone and
11 Martin phones for April 8th?

12 A Yes, I did.

13 Q What does slide 24 show as far as time frame?

14 A This shows the time from 9:09 a.m. through 1:18 p.m. on
15 the 8th.

16 Q What is the first time on April 8th that the Martin
17 phone has activity?

18 A 9:18 a.m.

19 Q And what is the first time on April 8th that the
20 Anderson phone has activity?

21 A 9:09 a.m.

22 Q Where are the two phones during the time frame you
23 mapped, 9:09 a.m. to 1:18 p.m.?

24 A Both using the same tower and sector in the vicinity of
25 the Martin residence.

Busick - Direct - Ms. Dean

714

1 MS. DEAN: If we can move on to slide 25.

2 (Exhibit published.)

3 Q Is this still April 8th?

4 A Yes, it is.

5 Q What is the time frame?

6 A This is 2:23 p.m. through 10:58 p.m.

7 Q And what are the reference points on this map?

8 A We have the Martin residence again in red in the center
9 left portion of the screen, and then we have the Green Acres
10 Mall in purple with mall written on it in white letters which
11 is located to the northeast of the Martin residence, which is
12 at Sunrise Highway, Valley Stream, New York.

13 MS. DEAN: The witness circled around the reference
14 point for Green Acres Mall.

15 Q Moving chronologically, could you talk us through what
16 this map shows?

17 A So this map shows that between 2:28 and -- between 2:23
18 and 3:29 p.m. the Anderson phone is utilizing the cell sites
19 which is the -- located to the west, northwest of the Green
20 Acres Mall, which I'm marking on the map here, and then
21 between 3:28, which overlaps that time and 3:46 p.m., it's
22 utilizing the cell site which is located to the southwest of
23 the Green Acres Mall.

24 During this time frame the Martin phone is
25 utilizing the cell site and sector in the vicinity of the

Busick - Direct - Ms. Dean

715

1 Martin residence, and at 4:55 p.m. the Anderson phone is
2 again also using that same cell site and sector in the
3 vicinity of the Martin residence where the Martin phone is
4 using and the Anderson phone remains on that cell site
5 through 10:58 p.m.

6 Q So during the time period where the Anderson phone moves
7 toward the vicinity of the Green Acres Mall, do the Anderson
8 and Martin numbers have any contact with each other?

9 A If I could just refresh my recollection with the notes.

10 MS. DEAN: If we can just zoom out first and
11 then -- yes, if we can just zoom out.

12 Q Would that be reflected at the top of this page?

13 A Oh, yes, thank you.

14 Yes, there are four voice calls and three text
15 messages between the Martin and Anderson phones between 2:28
16 and 3:28 p.m.

17 Q What is the last time on April 8th that there is any
18 activity from the Martin phone? If we can zoom in on your
19 pop out box for the Martin phone.

20 A It would be 6:36 p.m.

21 Q Now what day of the week was April 9th, 2018?

22 A April 9th was a Monday.

23 Q And again, so it would be correct that April 8th into
24 the 9th was a Sunday into a Monday?

25 A Correct.

Busick - Direct - Ms. Dean

716

1 MS. DEAN: If we can look together now at slide 26.

2 Could you just zoom out for a moment Mr. Rader.

3 (Exhibit published.)

4 Q What date and time frame did you map on slide 26?

5 A This is April 9th, 2018 between 7:25 a.m. and 11:06 a.m.

6 Q Tell us what you mapped here?

7 A Depicting activity of the Anderson phone during that
8 time period, the phone is using a tower and sector in the
9 vicinity of the Martin residence.

10 Q If we can now zoom in on that pop out box. For this
11 time frame, 7:25 a.m. to 11:06 a.m., do the Anderson and
12 Martin phones contact each other at all on April 9th?

13 A They do not.

14 Q Is there any activity from the Martin phone on this
15 slide?

16 A There is not, no.

17 Q This includes calls and texts, right?

18 A That is correct.

19 MS. DEAN: If we could zoom back out please and if
20 we can turn now to slide 27.

21 (Exhibit published.)

22 Q What is the first time that there is activity from the
23 Martin phone on April 9th, 2018, a Monday?

24 A 11:14 a.m.

25 Q And what is the time frame on the map for slide 27?

Busick - Direct - Ms. Dean

717

1 A 11:14 a.m. through 12:59 p.m.

2 Q When the Martin phone activity first begins, where is
3 the Martin phone?

4 A The Martin phone is located in the vicinity of the
5 Queens County Criminal Court. It's marked with a yellow
6 marker in the upper center portion of the screen, which is
7 located at 125-01 Queens Boulevard in Queens, New York.

8 Q And for all of the activity from 11:14 a.m. to
9 12:59 p.m., is the Martin phone in the vicinity of the Queens
10 County Criminal Court?

11 A The last connection for the Martin phone during this
12 period is at 12:27 p.m. So between 11:14 a.m. and 12:27 p.m.
13 all connections are located in the vicinity of the Queens
14 Criminal Court.

15 Q How many calls and texts do the Anderson and Martin
16 phones have with each other during this time period?

17 A There's approximately 40.

18 Q During this time frame what is the approximate location
19 of the Anderson phone?

20 A The Anderson phone is using the cell site sector in the
21 vicinity of the Martin residence.

22 Q I want to direct your attention specifically to
23 11:44 a.m. If we can zoom in on the blue pop out box. At
24 11:44 a.m., is there a specific call to the Anderson phone?

25 A Yes. The Martin phone calls the Anderson phone at

Busick - Direct - Ms. Dean

718

1 11:44 a.m.

2 Q And what is the duration of that call?

3 A 292 seconds, which I believe comes out to four minutes
4 and 52 seconds.

5 Q Does the next slide continue to show the activity of
6 these phones on April 9th?

7 A Yes, it does.

8 MS. DEAN: Let's turn to slide 28, please.

9 (Exhibit published.)

10 Q Please describe what slide -- what is the time frame for
11 this slide?

12 A Continuing on April 9th between 1 p.m. and 3:18 p.m.

13 Q What is slide 28 show?

14 A It shows that between 1 p.m. and 3:10 p.m., the Anderson
15 phone continues to use the same cell site sector in the
16 vicinity of the Martin residence, and we see that at
17 1:10 p.m. the Martin phone uses tower reference 1, which is
18 located just to the north of the Martin residence during an
19 incoming call from the Anderson phone, and then between 1:26
20 and 3:18 p.m. it uses the tower in the vicinity of the
21 residence of Anderson's mother but using the sectors that are
22 facing away from that residence.

23 Q And turning to slide 29, what is the time period on
24 April 9th for slide 29?

25 A 3:22 p.m. and 7:59 p.m.

Busick - Direct - Ms. Dean

719

1 Q Can you describe to us chronologically what you mapped
2 here regarding the movement of the Martin and Anderson phones
3 during this time frame?

4 A Yes. This is a little bit of a busy slide.
5 Essentially, it's showing that the Martin phone is beginning
6 using the cell site on the left, which is in the vicinity of
7 Anderson's mother's residence, and then travels back towards
8 the Martin residence where we see it using that cell site and
9 sector beginning at 5:48 p.m. And then the Anderson phone we
10 see is beginning in the vicinity of the Martin residence at
11 3:22 p.m. and then traveling back in the direction of the
12 Anderson's mother's residence where it's using that cell site
13 and sector at 7:58 p.m. So they're essentially switching
14 general -- they are switching the towers and sectors -- the
15 Martin phone is moving generally from west to east, and the
16 Anderson phone is generally moving from east to west.

17 Q During different time frames, right?

18 A Yes.

19 Q They are not moving at the same time?

20 A Correct.

21 MS. DEAN: Can we turn to slide 30 now.

22 (Exhibit published.)

23 Q Did you finish mapping the movement for these phones on
24 April 9th?

25 A Yes, I did.

Busick - Direct - Ms. Dean

720

1 Q Can you tell us what is the time frame on this slide?
2 A 9:01 to 10:11 p.m. on the 9th. We have the Anderson
3 phone at 9:01 p.m. using tower reference 1 in the vicinity of
4 Anderson's mother's residence, then using that cell site and
5 sector between 9:01 and 9:27 p.m. At 9:40 p.m. it's using
6 tower reference 2 and then between 9:56 and 10:11 p.m. it's
7 utilizing tower reference 3 in the vicinity of the Martin
8 residence, and the only connections from the Martin phone
9 during this time are at 9:40 and 9:56 p.m., both of which the
10 Martin phone is using the tower and sector in the vicinity of
11 the Martin residence.

12 MS. DEAN: Can I just have one minute, please?

13 (Continued on the next page.)

14

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K. Busick - Direct - Ms. Dean

721

1 BY MS. DEAN: (Continuing)

2 Q So by 9:56 p.m. on April 9th both of the Martin and
3 Anderson phones are connecting in the vicinity of the Martin
4 residence?

5 A Yes. The Anderson phone during that connection between
6 the two phones is actually using the north facing sector, but
7 it is in the vicinity of the Martin residence.

8 Q And by what time is the Anderson phone using the same
9 sector as the Martin phone?

10 A 10:04 p.m.

11 Q Did you also map location information for these phones
12 for certain time periods on April 10th of 2018?

13 A Yes, I did.

14 Q If we could turn to slide 31, please. Starting with the
15 Anderson phone, well, what is the time period for this slide?

16 A 6:55 a.m. to 8:10 a.m. on April 10th.

17 Q Could you talk us through this slide starting with the
18 Anderson phone?

19 A Yes. So the Anderson phone is using the cell site in the
20 vicinity of the Martin residence between 6:55 and 8:10 a.m.

21 Q What about the location information you mapped for the
22 Martin phone?

23 A The Martin phone first connects at 6:55 a.m. and it's
24 connecting with the Anderson phone. The Martin phone is using
25 tower reference one, located just north of the Martin

K. Busick - Director - Ms. Dean

722

1 residence. We next see it utilizing tower references two and
2 three at 7:55 a.m. and 8:10 a.m., both of which are in the
3 vicinity of Canarsie Park.

4 MS. DEAN: We're going to take one moment for the
5 technology.

6 Q If we could zoom in on the left side of the screen where
7 you said the Martin phone was back in the vicinity of Canarsie
8 Park.

9 A Yes.

10 Q What are the times that the Martin phone receives a call
11 when it's in the vicinity of Canarsie Park on April 10th?

12 A 7:55 a.m. using tower reference two and 8:10 a.m. on
13 tower reference three.

14 Q And from whom does it receive the calls?

15 A The Anderson phone.

16 Q We can zoom back out, please. Let's go to slide 32,
17 please. Actually, if we could go back to slide 31.

18 During this time period that you mapped, are the
19 Martin and Anderson phones together?

20 A During this time period, no.

21 Q Now we can go to slide 32, please. What is the time
22 frame for slide 32 on April 10th?

23 A This is continuing on in the morning. This is from
24 9:50 a.m. to 12:10 p.m.

25 Q What is the approximate location of the Martin and

K. Busick - Director - Ms. Dean

723

1 Anderson phones for the activity in this time frame on
2 April 10th?

3 A This slides depicts both phones back in the vicinity of
4 the Martin residence.

5 Q If you could go to slide 33, please. Could you summarize
6 for us the activity that you mapped for April 10th between
7 12:19 p.m. and 12:57 p.m.?

8 A Yes. So this slide, in conjunction with the previous
9 slide which showed both phones using the same tower and sector
10 in the vicinity of the Martin residence, will be consistent
11 with both phones traveling together into Brooklyn during this
12 time.

13 Q If we could go to slide 35, please. Is this next slide
14 still April 10th?

15 A Yes.

16 Q What time period is this for?

17 A This picks back up at 1:12 p.m. and goes through 2:22
18 p.m.

19 Q And what does your map show?

20 A Again, generally, this is just showing that the records
21 are consistent with the Martin and Anderson phones traveling
22 back from Brooklyn into Queens.

23 Q What does the next slideshow?

24 A The slide continues on from the last slide. It shows
25 activity, both the Martin and Anderson phones between

K. Busick - Director - Ms. Dean

724

1 3:01 p.m. and 11:54 p.m. on April 10th. The Martin phone is
2 back on the cell site sector in the vicinity of the Martin
3 residence at 3:01 p.m., and the Anderson phone is on that same
4 sector beginning at 3:53 p.m., both phones remain on that
5 tower and sector until 9:30 p.m. when the Martin phone is
6 using the sector that's located just to the north of the
7 Martin residence.

8 It's -- that's the last connection by the Martin
9 phone. The only one that's not on the tower and sector in the
10 vicinity of the Martin residence, and the Anderson phone
11 continues to use the sector in the vicinity of the Martin
12 residence until 11:54 p.m.

13 Q And at that one connection you mentioned, the one you
14 said was the only one for the Martin phone that was not in the
15 vicinity of the Martin residence, at 9:30 p.m. who was the
16 incoming call from to the Martin phone?

17 A From the Anderson phone.

18 Q And for the record, this is slide 35, right?

19 A Yes.

20 Q For all of the other activity, except for 9:30 p.m.
21 during this time frame, what is the approximate location of
22 the Martin and Anderson phone?

23 A The records are consistent with both the Martin and
24 Anderson phones being located at or in the vicinity of the
25 Martin residence.

K. Busick - Direct - Ms. Dean

725

1 Q In we could turn to the next slide. This concludes your
2 report, Agent Busick; is that correct?

3 A Yes.

4 Q I'm going to ask that Agent Busick be shown Government's
5 305, certified records from Sprint. Sprint is now what
6 company, can you remind us?

7 A Sprint was absorbed by T-Mobile.

8 Q Can you scroll down, please, on Government's 305. Do you
9 see a number under request type next to subject number?

10 A Yes.

11 Q What is the subject number of these records?

12 A 518-730-5202.

13 MS. DEAN: I'll just ask Mr. Rader to scroll to
14 page 2, so the jurors can see the full record.

15 Q Were there any records returned from Sprint for
16 518-730-5202 during the requested time range of March 8, 2018
17 to May 8, 2018?

18 A No, there was not.

19 Q Is it correct that there was no location information for
20 this number returned from the company that you could map?

21 A Correct.

22 Q Did you look, as part of your analysis in this case, at
23 Government's 303?

24 A Yes, I did.

25 Q Can we pull up Government's 303, please, and start with

K. Busick - Director - Ms. Dean

726

1 the file that begins sub underscore AMD0CS.

2 Is there a subscriber name associated with the
3 T-Mobile record?

4 A Yes.

5 Q What is the name?

6 A Brandy K. Odom.

7 Q What is the subscriber address?

8 A 249-45 148th Road, Jamaica, New York.

9 Q Can you read next to MSISDN, what is the number
10 associated with these records?

11 A 516-309-7437.

12 Q If we could turn to another document in these records,
13 which starts with copy of 2039337.

14 And we will scroll for you as I ask you this
15 question. What is the date span of these phone records?

16 A March 8th of 2018 through May 9th of 2018.

17 Q Is it fair to say, Agent Busick, that the user activity
18 for this phone number stops well before May 9th of 2018?

19 A Yes.

20 Q Between March 8th and March 20th of 2018, what is the
21 phone activity like for the Brandy Odom phone number?

22 A It's a frequent usage, primarily SMS text messages more
23 so than calls.

24 Q If we could now scroll down to line 1053. How does that
25 change when you get to approximately March 21st to April 2nd

R. Busick - Direct - Ms. Dean

727

1 for these phone records?

2 A The usage during that time becomes very infrequent,
3 particularly in reference to the previous amount of usage.

4 Q Is there cell site data in these records?

5 A Yes, there is.

6 Q Did you map the data for which location information for
7 this phone could be determined?

8 A I did, yes.

9 Q Can we show the witness, the witness only, please,
10 Government's Exhibit 27.

11 Do you recognize Exhibit 27?

12 A Yes, I do.

13 Q What is this?

14 A This is an analysis of the cell site activity that I
15 conducted on that 7437 phone we were just looking at.

16 MS. DEAN: I ask that Government's 27 be received in
17 evidence, Your Honor.

18 THE COURT: Any objection?

19 MS. THIELE: No objection.

20 THE COURT: That's in evidence.

21 (Government's Exhibit 27 was received in evidence.)

22 MS. DEAN: Could we publish, please. Thank you.

23 BY MS. DEAN:

24 Q So if we look at the first page of Government's 27, which
25 is only three pages, correct?

K. Busick - Direct - Ms. Dean

728

1 A Yes.

2 Q What does the first page show?

3 A So the first page is an overview of all of the locatable
4 records for that Odom 7437 phone between March 8, 2018 and
5 April 10th of 2018.

6 Something important to understand about the T-Mobile
7 records versus the AT&T records, which we were just looking
8 at, AT&T typically retains cell site information for text
9 messages.

10 T-Mobile generally does not. So while it will list
11 the text message on the records, most of the time there is no
12 cell site associated with that. So what that means is that
13 during this time frame there are over a thousand total
14 communications shown for the phone, but only 22 of those had
15 cell site information.

16 Q And just focusing, first, what was the reference point
17 you placed on this map?

18 A So this map I referenced, again, the Martin residence in
19 red located in the center, or left portion of the screen.

20 Q If we could focus first, and if we can zoom on the right
21 pop out box on the screen. For all the cell site data for
22 this Brandy Odom number that was available to you, was there
23 just one call that was in a location, other than all the other
24 data?

25 A Yes.

K. Busick - Direct - Ms. Dean

729

1 Q Are we looking at that here, this one that says
2 9:27 p.m.?

3 A Yes, we are.

4 Q What was the date?

5 A That is March 9, 2018.

6 Q And who was the call to?

7 A That was an outgoing call to the Martin 1072 number we
8 had seen depicted in black on my previous report.

9 Q You said the 1072 number?

10 A I'm sorry. The Anderson number. This is why I color
11 code them. The Anderson 1072 number, which we saw depicted in
12 blue on the previous map.

13 Q For all of the other activity that had cell site
14 locations you could place on a map and determine the
15 approximate location of the phone, did you map that on the
16 left-hand side of the slide?

17 A Yes.

18 Q And where was all of the other cell site activity where
19 you could pinpoint the location of the phone?

20 A It was all on two cell sites, which were located in the
21 vicinity of the Martin residence.

22 Q Could you go through all of the dates that the Brandy
23 Odom phone was located in the vicinity of the Martin
24 residence?

25 A Yes. March 8th, March 9th, March 11th, March 12th, March

K. Busick - Director - Ms. Dean

730

1 13th, March 14th, March 16th, March 17th, and March 29, 2018.

2 MS. DEAN: We can just zoom out, please, now, Mr.
3 Rader. We can go to the second slide.

4 Q For slides two and three, did you isolate the data you've
5 just described to us?

6 A Yes. This is just a more zoomed in view.

7 Q And the same with slide three?

8 A Correct.

9 Q Slide three, is that a March 9, 2018 call?

10 A Yes.

11 Q If we could now go back to the document called copy of
12 2039337 in Government's 303.

13 Can we scroll down to lines 1064 and 1065? Was the
14 March 29th cell site location for the Brandy Odom phone the
15 last location that you were able to place on a map?

16 A Yes.

17 Q And on March 29th, the Odom phone was in the vicinity of
18 what reference point?

19 A Of the Martin residence.

20 Q I want to just look at lines 1064 and 1065 with you,
21 April 2nd, 2018. If we could look at them and scroll to the
22 right, please.

23 Was there a cell site location information -- if we
24 could just keep scrolling -- was there cell site location
25 information for these two calls that were -- if we could go

K. Busick - Direct - Ms. Dean

731

1 back to the left a little -- these two calls that were flagged
2 abnormal completion on April 2nd?

3 A Yes. T-Mobile includes cell site information for those
4 calls.

5 Q If we could go all the way back to the left. Are these
6 incoming or outgoing?

7 A The April 2nd calls are incoming calls.

8 Q Why didn't you place on the map the cell site location
9 reflected in these records for these two April 2nd, 2018,
10 incoming calls?

11 A This is somewhat of an idiosyncrasy in T-Mobile records.
12 What we're seeing with those two calls are incoming calls, in
13 other words, calls to the 7437 phone, but there's no duration
14 listed for the call, meaning there was no time elapse that the
15 phones are connected.

16 And the connection type is listed as abnormal
17 completion. So what that basically means is that the network
18 tried to contact the phone, but we can't say definitively that
19 it actually connected the phone and that the phone was located
20 on that cell site at that particular time. So generally
21 speaking, I don't map those calls.

22 Q And so am I understanding you correctly, for the cell
23 site provided for those two April 2nd calls, the phone was
24 either located at that cell site or what, Agent Busick?

25 A So the way that I look at it is that T-Mobile looked for

K. Busick - Direct - Ms. Dean

732

1 the phone on the cell site that was listed, and knew the phone
2 was no longer on that cell site or had recently been on it.

3 Typically, when we look at these types of things in
4 conjunction with other available information when we have it,
5 T-Mobile is looking for the phone at the last place, the last
6 cell site that it knew the phone to be.

7 So that's often why we'll see these calls shown on
8 the record. However, when the connection is not made it might
9 mean the phone at the time listed on here may not be on that
10 cell site anymore. We just can't know without more
11 information.

12 Q So we can go to Government's 27.

13 THE COURT: It's a little bit after 1:00. Are you
14 at a convenient stopping point, or do you want to finish up
15 with this topic?

16 MS. DEAN: Maybe I could just finish up with this
17 one question. I'll just have a few questions after lunch. I
18 am almost done but I don't want to make people wait for lunch.

19 THE COURT: People are all right. Can we go another
20 ten minutes or so?

21 MS. DEAN: I'll definitely be done.

22 THE COURT: Go ahead.

23 BY MS. DEAN:

24 Q So if we could go to slide two, please. If we can zoom
25 in on the red reference point, the area around there. The

K. Busick - Direct - Ms. Dean

733

1 cell site information provided by T-Mobile for the Brandy Odom
2 phone on April 2nd was which cell site that we see on the map?

3 A I believe it was cell site number 5324, which is the
4 circular depiction I have here on the screen, which is an
5 omnidirectional cell site. In other words, that's an antenna
6 broadcasting in 360 degrees and is not sectorized, such as the
7 one we have on the screen here.

8 Q Does that mean that the Brandy Odom phone was either
9 there on April 2nd or that was the last cell site that the
10 network found it at?

11 A It's very likely that the last time that the network
12 connected with the phone at or prior to that time was on that
13 cell site, which is why it was looking for the phone there on
14 April 2nd.

15 Q If I could zoom in on the bottom call out box. Was that
16 the cell site number 53264-6?

17 A Yes.

18 Q If I could return one last time to Government's 300. We
19 can look at line 1067, which is April 4th, 2018.

20 Is this activity between the Odom number and 2296
21 and then 2296 and the Odom number, is that consistent with
22 user activity or is that something else?

23 A In reviewing all these records, I would say it's unlikely
24 to be indicative of user activity.

25 Q What is it indicative of?

K. Busick - Direct - Ms. Dean

734

1 A Oftentimes we'll see in the call detail records these
2 types of short codes, which are some type of background
3 communication between the T-Mobile network and the phone. And
4 even though sometimes it will appear as an outgoing message,
5 it's generally just background signaling traffic and it
6 doesn't necessarily mean that somebody sent off a text
7 message.

8 Q The same question if we could look at line 1076 through
9 1079, there's lines with 611 and the Odom number and then the
10 Odom number and 611 back and forth.

11 Is that indicative of user activity on April 12,
12 2018 or is that indicative of something else?

13 A In this case I think that these records are consistent
14 with there being no user input into the phone, even though it
15 is shown as an outgoing text message. We can see that with
16 the exception of these short code messages, the 2296 we looked
17 at and the 611, all the others are incoming text messages to
18 the target phone.

19 There are no other outgoing messages sent. In fact,
20 when we see the short codes, such as the 2296, we see an
21 incoming and outgoing in approximately the same second. I
22 think that's 5:01 p.m. and 19 seconds on April 4th, and then
23 for the 611, we have 12:19 and 35 seconds, 12"19 and 36
24 seconds, and then further below 12:38 and 27 seconds, 12:38
25 and 28 seconds.

K. Busick - Direct - Ms. Dean

735

1 This is consistent with what we see when there's
2 some background signaling going on between the network and the
3 phone.

4 Q So if we can look back up at line 1063.

5 When was the last date that there was user generated
6 activity on this phone based on your review of these records?

7 A So the last apparent user generated activity was on March
8 29th, and this is in universal coordinated time, that's 22:16,
9 or 10:16 p.m., which in local time would be 6:16 p.m. on the
10 29th. And that was an outgoing call from the 7437 phone to
11 another number.

12 MS. DEAN: I have no further questions.

13 THE COURT: All right. So we'll break for lunch
14 now. We'll meet again, let's say at 2:30. Enjoy your lunch.
15 Please don't talk about the case at all. I'll see you later
16 this afternoon.

17 (Jury not present.)

18 THE COURT: Everybody can sit down. The agent can
19 step down. Anything before we break for lunch?

20 MS. DEAN: No thank you, Your Honor.

21 THE COURT: I don't know how long the cross will be
22 of this witness, and you don't have to tell me, but I was
23 trying to figure out what else we can get done this afternoon.

24 MS. DEAN: We have two additional witnesses on deck.
25 We can fill the day.

K. Busick - Direct - Ms. Dean

736

1 THE COURT: Great. Let's do it. Wonderful. Thank
2 you so much. See you after lunch.

3 (Recess taken.)

4 (Continued on next page.)

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R. Busick - Cross - Ms. Thiele

737

1 **AFTERNOON SESSION**

2 (In open court; jury not present.)

3 THE COURT: Hi. Everyone can be seated.

4 We can put the witness back on the stand.

5 (Witness resumes the stand.)

6 THE COURTRoom DEPUTY: All rise.

7 (Jury enters.)

8 THE COURTRoom DEPUTY: You may be seated.

9 THE COURT: Hi, everybody. Welcome back.

10 We're ready to resume with the cross-examination
11 of the special agent.

12 Go ahead.

13 THE COURTRoom DEPUTY: The witness is reminded
14 he's still under oath.

15 THE WITNESS: Thank you.

16 **RICHARD BUSICK,**

17 resumed as a witness, having been previously duly
18 sworn, was examined and testified as follows:

19 CROSS-EXAMINATION

20 BY MS. THIELE:

21 Q Good afternoon, Special Agent Busick.

22 A Good afternoon.

23 Q You received historical call detail records as part of
24 your analysis in this case, correct?

25 A Yes, that's correct.

R. Busick - Cross - Ms. Thiele

738

1 Q And some of those records from AT&T were associated
2 with a phone number ending in 4723?

3 A Yes.

4 Q And some records from AT&T associated with a number
5 ending in 1072?

6 A That's correct.

7 Q And some were from T-Mobile associated with a number
8 ending in 7437.

9 A Yes, that's correct.

10 Q And you did not rely on any other call detail records
11 as part of your analysis, correct?

12 A Yes.

13 Q In order to prepare this report, you fed call detail
14 record data into a software called E-S-P-A?

15 A ESPA.

16 Q ESPA.

17 A Correct.

18 Q And did you ensure that the software did, in fact, map
19 each specific entry correctly?

20 A Yes. The software is just a tool to help visualize the
21 data. I analyze each record individually within that
22 software.

23 Q Okay.

24 Cell site data, as you testified on direct, cannot
25 be used to precisely locate a device.

R. Busick - Cross - Ms. Thiele

739

1 THE COURT: Is that a question?

2 Q Correct?

3 A I guess that depends on what you mean precision.

4 Q Sure. Call detail records cannot tell you at any point
5 a specific address at which the device is located.

6 A That is correct, yes.

7 Q Is there technology that can be used to precisely
8 locate a device?

9 A I mean, generally speaking in the world of technology,
10 yes.

11 Q Would you say that a preferred technology would be GPS?

12 MS. DEAN: Objection.

13 THE COURT: Can you answer the question?

14 A I guess preferred in what way?

15 Q Would GPS, or global positioning system, put a device
16 in a more specific location than a call detail record?

17 A I wouldn't say that, no.

18 Q Isn't it true that GPS records can give you specific
19 coordinates at which a device is located?

20 A GPS is more than just the particular coordinates. It
21 depends on how that information was arrived at. GPS refers
22 to global positioning system. When we get GPS coordinates,
23 it's going to depend on a lot of things how precise or
24 accurate that is. So oftentimes we'll have a set of
25 coordinates within a area of uncertainty surrounding those

R. Busick - Cross - Ms. Thiele

740

1 particular coordinates.

2 So while it is possible, depending on the
3 technology or the applications or the uses that have very
4 precise GPS coordinates, in terms of conducting historical
5 location analysis in a manner such as this, I can't just say
6 that GPS would be more precise. And furthermore, it would
7 have to be available.

8 Q Okay. Right.

9 But historical call records like that reviewed in
10 this case do not show you any coordinates at which the
11 device itself was located, correct?

12 A You are correct, yes.

13 Q Okay. So a data point in a call detail record may tell
14 us that a device is in an area in Rosedale, Queens or around
15 Rosedale, Queens?

16 A It will tell us the cell site that the phone connected
17 to, which is a precise GPS coordinate, and then a
18 directional facing of the antenna from that cell site. And
19 then based on an analysis of the surrounding network we can
20 ascertain, to some degree, what the approximate coverage
21 area would be.

22 But as you're saying, I cannot say based solely on
23 the records that this means that the phone was at
24 such-and-such address or such-and-such intersection.

25 Q And based solely on the records, you would not be able

R. Busick - Cross - Ms. Thiele

741

1 to tell us if a device was in a particular room in a
2 building.

3 A Correct.

4 Q Or on a specific floor of that building.

5 A Correct.

6 Q Or in any particular building within the coverage area.

7 A Right. Based just on the records, I couldn't tell you
8 which building within the coverage area the phone may have
9 been in.

10 Q Or whether the device is in a building versus outside
11 on the sidewalk.

12 A Correct.

13 MS. THIELE: Mr. Gover, could we please pull up
14 Government Exhibit 26 and publish for the jury at page 15.

15 (Exhibit published.)

16 Q Agent Busick, do you see that in front of you?

17 A Yes, I do.

18 Q And you see the legend where it says Walmart at
19 77 Green Acres Road?

20 A Yes.

21 Q It's correct that the Government requested that you put
22 the Walmart indicator on this map, correct?

23 A Correct.

24 Q The call detail records themselves did not give you any
25 information for you to independently put the Walmart on this

R. Busick - Cross - Ms. Thiele

742

1 map.

2 A Yes, that's correct.

3 Q And I believe you testified that a device will only
4 connect to a cell tower if it sends or receives either an
5 SMS text message or a voice call; is that right?

6 A The records will only reflect the location in those
7 circumstances, correct.

8 Q So there are some entries that indicate other sorts of
9 activities or communications on the phone that might have
10 been over cellular data or wifi, correct?

11 A I'm sorry. Could you just rephrase that?

12 Q Sure.

13 In the records, there may be entries related to
14 activity over cellular data or wifi?

15 A Yes. There are some records that indicate that the
16 phone was connected using wifi, but we cannot determine the
17 location. There's no wifi location information in the
18 records. Just we can tell that the phone was using wifi for
19 certain transactions.

20 Q Right. Okay.

21 MS. THIELE: Mr. Gover, can you again pull up
22 Government Exhibit 26, at page 7.

23 (Exhibit published.)

24 Q Agent Busick, you testified that the blue dots on this
25 map are the locations of AT&T cell sites; is that right?

R. Busick - Cross - Ms. Thiele

743

1 A Yes.

2 Q And you would agree that the cell sites in this area,
3 or these areas depicted on the screen in front of you, are
4 more spaced out than, say, in Manhattan?

5 A Yes, correct.

6 Q And so is it fair to say that the coverage area of
7 these cell sites are probably more than a few blocks in any
8 direction?

9 A It could be. They're often extending for a few blocks
10 in a given direction. But depending on the particular cell
11 site, it could be beyond just a few blocks, yes.

12 Q It could be a quarter mile?

13 A Yeah, potentially, yes.

14 Q Or maybe more than a quarter mile, right?

15 A Possibly, for some of these cell sites, yes.

16 Q Based on connections to various cell sites, you may be
17 able to get a general idea of a device's movements, right?

18 A Yes, by analyzing them over time.

19 Q For example, if the device seems to be at one time in a
20 particular area and then in another location at another
21 time, then you could make a general conclusion about the
22 fact that the device has moved, right?

23 A Yes.

24 Q But with only call detail records, you cannot say for
25 sure what specific time a device arrived to an area, right?

R. Busick - Cross - Ms. Thiele

744

1 A Correct. We can only know when a call or a text
2 message was made or received on a given cell site. And so
3 whether the phone arrived a certain time before then or
4 departed a certain time after, if we're looking on the other
5 end, we can't tell that without looking at, you know, what
6 any other records are.

7 Q It's only at the time that a device making a connection
8 to a particular cell tower.

9 A Correct.

10 Q Or cell site, rather.

11 A Yes.

12 Q So here's a hypothetical: If the data told you that
13 there is one hit off of one cell tower at 8 p.m., then a
14 second hit off the same cell tower at 8 a.m. the next
15 morning, you would not be able to conclude that the device
16 stayed in that location overnight, correct?

17 A Right. If there are no other records in that time, we
18 can't say what the device was doing during that time.

19 Q And the same is true if there is one hour, let's say,
20 in between two connections to the same cell site.

21 A Correct. I can only say that the phone used only that
22 cell site at those particular times.

23 Q And in the call detail records you reviewed, it's true
24 that there are hours during which there are no connections
25 to cell sites at all, right?

R. Busick - Cross - Ms. Thiele

745

1 A Yes.

2 Q And another limitation in using call detail records to
3 get an idea of a device's movements is whether there is
4 sufficient usage of the device during the period analyzed;
5 is that right?

6 A Certainly the more usage, the more data we have that we
7 can determine the location of the phone; and the less, then
8 the less data points we have.

9 Q As part of your training, you learned about cell phone
10 companies and their networks?

11 A Yes.

12 Q And cell phone companies have an interest in maximizing
13 coverage for customers?

14 A Yes.

15 Q In particular, in areas like New York City that are
16 densely populated?

17 A Correct, yes.

18 Q To ensure reliable coverage, the range of these cell
19 sites often exceed their intended coverage areas, right?

20 A Correct. I would say the range far exceeds the
21 coverage areas.

22 Q In other words, their coverage areas overlap?

23 A They're designed specifically to have overlapping
24 coverage areas, yes.

25 Q You did not receive records relating to the specific

R. Busick - Cross - Ms. Thiele

746

1 range of the cell sites relevant to this case, right?

2 A No, there are no -- no records maintained regarding the
3 range of the cell sites that we could have access to.

4 Q And you did not receive records relating to the
5 characteristics of the particular cell sites that these
6 devices connected to, right?

7 MS. DEAN: Objection.

8 THE COURT: Overruled.

9 A I didn't receive -- that's not part of the call detail
10 records. We do take the information in the call detail
11 records in conjunction with a cell site list from AT&T, if
12 we're talking about the AT&T phones during the time, which
13 provides some additional information about this particular
14 cell sites -- really all of the cell sites of the network.
15 Of course the ones of interest are the ones that we're
16 specifically looking at. So there is information about
17 those cell sites.

18 Q And can you share generally what other information
19 those records would provide?

20 THE COURT: Which records are you talking about?

21 MS. THIELE: The additional records from AT&T, for
22 example, that relate to the particular cell sites in this
23 case.

24 THE COURT: First of all, what kind of records are
25 those?

R. Busick - Cross - Ms. Thiele

747

1 THE WITNESS: So each of the service providers
2 periodically, and it depends on the provider, will update
3 their list of cell sites, their global list of cell sites in
4 what's called the cell site database which is maintained by
5 the national communications -- the National Domestic
6 Communications Assistance Center, and that has a list of all
7 of the cell sites as provided by each provider, and they
8 update them periodically as they update the networks. So,
9 for instance, in the case here where I'm analyzing records
10 from April of 2018, I need to consult with an AT&T cell site
11 list that would have been in effect in April 2018.

12 These call detail records, and this is just a
13 little background to understand what we're talking about, as
14 we saw, the call detail records do include information about
15 the cell sites to include latitude and longitude,
16 directional facing of the antenna. But in order to verify
17 the accuracy of that, because that data is populated at the
18 time the records are pulled, which could be from a later
19 version of the list, we need to go back to the list in
20 effect at the time.

21 So I take the unique identifier for a particular
22 call, say, I look up that information for the particular
23 cell site and the antenna within the database to verify, for
24 instance, the latitude and longitude of that cell site. It
25 will indicate the directional facing of the antenna. And

R. Busick - Cross - Ms. Thiele

748

1 depending on the version of the list or the provider, it
2 will tell us other information, often the elevation of that
3 particular cell site -- in other words, how off the ground
4 is the antenna -- is it a macro or large site, is it a micro
5 site, or a very small site designed to provide coverage in a
6 smaller area. Sometimes it will include information about
7 the particular frequency used. So there's a variety of
8 other information that's contained in there, as well.

9 I'm sorry. So back to your -- if you could ask me
10 your question again.

11 THE COURT: I think I asked it, and I don't
12 remember what it was.

13 Go ahead.

14 BY MS. THIELE:

15 Q So your testimony is that you reviewed those records
16 that you just spoke about in conjunction with the call
17 detail records that were produced by AT&T, for example?

18 A Yes.

19 Q To make sure that what was in your report was as
20 accurate as possible?

21 A Correct.

22 Q And when a call is made, a device typically looks for
23 the strongest signal?

24 A Yes, generally. We will generally refer to it as the
25 best serving signal. It's typically the strongest and

R. Busick - Cross - Ms. Thiele

749

1 clearest. However, especially as networks have evolved,
2 most recently there are other factors that play into that,
3 as well.

4 Q You testified on direct that a device would be very
5 likely to connect to the closest cell site?

6 A All things being equal, I would expect a cell phone or
7 device to connect to the closest cell site just because the
8 frequency -- the strength of the signal will be stronger the
9 closer we are. So if one is a quarter mile away and one is
10 a half a mile away, I would expect that the one a quarter
11 mile away, if everything is equal in a perfect world, is
12 going to provide the better and stronger signal. However,
13 there are some other factors that would affect that.

14 Q Would you be able to say something like a device
15 connected to the closest cell site 80 percent of the time?

16 A No, I can't -- I can't quantify because every
17 connection to the network, there's an infinite number of
18 possibilities of location of device, you know, relative to
19 the -- relative to the surrounding network.

20 And as the network has become very dense, and
21 particularly -- I'm just thinking of Manhattan, but in other
22 areas here where there are different types of cell sites in
23 very close proximity, it may not be the very closest cell
24 site and often it's not the closest because there are --
25 sometimes on a city block in Manhattan you could have a

R. Busick - Cross - Ms. Thiele

750

1 dozen cell sites providing specified coverage.

2 So I would never say that the phone is definitely
3 on this block because it connected to this. Rather, I'd
4 overestimate that coverage area if we don't know precisely
5 just because of those intricacies of the network.

6 Q But you can comfortable say that the device, at the
7 time the connection is made, is within that cell site's
8 coverage area?

9 A Yes, it has to be within the coverage area.

10 Q And you've talked about this a bit, but there are a
11 number of factors that will determine which cell site has
12 the strongest signal?

13 A Yes.

14 Q Like phone bandwidth?

15 A No, that shouldn't affect it.

16 Q How about terrain?

17 A Terrain could affect it, yes.

18 Q And as you said on direct, if a device is above ground
19 or below ground?

20 A Yes, that could have an effect on the best signal, for
21 sure.

22 Q How about the weather?

23 A Generally not. The cell sites are operating at
24 frequencies that are designed to work in all types of
25 weather.

R. Busick - Cross - Ms. Thiele

751

1 Q And how about how high the cell site is off the ground?

2 A Yeah, that could have an effect.

3 Q And other design characteristics of the cell site?

4 A Yes.

5 Q Is it possible that a cell site could be out of
6 service?

7 A It is possible, yes.

8 MS. THIELE: Mr. Gover, can you please pull up
9 Government Exhibit 26 again, at page 4.

10 (Exhibit published.)

11 Q Agent Busick, you include these sector illustrations
12 throughout your report; is that correct?

13 A Yes.

14 Q And you testified that the shaded arc generally
15 indicates the direction of the radiofrequency signal?

16 A Yes, but is not the coverage boundary.

17 Q Right.

18 And looking at this illustration, the lines that
19 are extending out from the cell site, these don't exactly
20 correspond to the coverage area, correct?

21 A Correct. It's an illustration just to show the
22 direction of the signal from the cell site.

23 Q The call detail records themselves do not tell you how
24 large or small the coverage area is for each cell site?

25 A Correct.

R. Busick - Cross - Ms. Thiele

752

1 Q You also mentioned something about drive tests. Can
2 you tell us about that?

3 A Sure.

4 So a drive test would be if we wanted to
5 determine, as precisely as possible, the actual coverage
6 area of a particular cell site, we would utilize this
7 equipment. It's basically a scanner that scans all the
8 cellular frequencies. And we would drive around the
9 entirety of the area surrounding that cell site collecting
10 data on the strength of the radiofrequency throughout the
11 area that we've driven until we've done enough to get the
12 boundaries of that particular cell site, and that would
13 allow us to illustrate more precisely where that coverage is
14 and where it is not.

15 Q So was that test conducted in this case?

16 A No. And the thing about a drive test is that it has to
17 be conducted -- it generally needs to be conducted
18 contemporaneously or as close as possible in time to the
19 records that are being mapped. The reason being that the
20 AT&T cellular network of 2018 is going to look a bit
21 different than it does now as, you know, technologies have
22 been rolled out, 5G coverage has been enhanced.

23 So even if I was to do a drive test, say, today on
24 any one of these particular cell sites, the picture we get
25 may not be reflective of what it was in 2018.

R. Busick - Cross - Ms. Thiele

753

1 Q So if you received the call detail records from April
2 2018 in this case at the time, getting the records in
3 April 2018, a drive test at that point would have helped
4 validate the analysis in your report?

5 A Certainly a drive test would have allowed seeing
6 precisely the coverage area boundaries of the cell site.

7 I will say that in the vast majority of cases, we
8 don't do drive testing because it's not -- there's certain
9 circumstances where we do do it, but oftentimes it's not
10 adding a lot to the analysis because I still am not going to
11 be able to say that the phone was -- even if, say, a
12 particular location was within the boundaries of the actual
13 coverage areas as mapped, I'm still not going to say that
14 the phone was definitely at that address.

15 So there are times where that is important, but
16 given the volume and the number of cell sites that are in a
17 lot of these reports, it is typically not adding a lot of
18 clarity to my assessment of the approximate location of the
19 phone.

20 MS. THIELE: Mr. Gover, can you please pull up
21 Government Exhibit 26 again, at page 23.

22 (Exhibit published.)

23 Q Agent Busick, did any data in the call detail records
24 in this case, specifically for numbers ending in 4723 and
25 number ending in 1072, indicate cell site connections in

R. Busick - Cross - Ms. Thiele

754

1 Canarsie, Brooklyn after 11:33 p.m. on April 7, 2018?

2 A Not between 11:33 and midnight on -- if you're asking
3 just about the 7th, no.

4 MS. THIELE: And, Mr. Gover, can you please go to
5 page 24.

6 Q And what about in between 12 a.m. and 9:09 a.m. on
7 April 8th?

8 A No, there was no usage, recorded usage by either of the
9 phones until 9:09 a.m. So no location information.

10 MS. THIELE: Can you please go to page 25.

11 Q Are there any recorded connections to cell sites in or
12 around Canarsie, Brooklyn, after 10:58 p.m. on April 8,
13 2018?

14 A No, not on April 8th after 10:58 p.m., no.

15 MS. THIELE: Page 26, Mr. Gover.

16 Q How about any connection to cell sites in or around
17 Canarsie, Brooklyn between 12 a.m. and 7:25 a.m. on April 9,
18 2018?

19 A No.

20 Q Okay. I believe we're on page 26.

21 How about between 7:25 and 11:06 a.m. on April 9,
22 2018, are there any connections to cell sites in Canarsie?

23 A No, there were not.

24 MS. THIELE: Page 27, Mr. Gover.

25 Q What about in between 11:14 a.m. and 12:59 p.m. on

R. Busick - Cross - Ms. Thiele

755

1 April 9, 2018, any Canarsie connections?

2 A No.

3 Q From the data you analyzed for phone numbers ending in
4 1072 and 4723 in this case, it's true that you cannot tell
5 us the precise locations of either device at any time
6 between April 2nd and April 10th of 2018, correct?

7 A I wouldn't -- I don't characterize it that way, but I
8 cannot tell you a precise address that the phone was at
9 based solely on the records at any given time.

10 Q And based solely on the records, you also cannot tell
11 us even the general vicinity that either of these devices
12 were in in between connections to cell sites, right?

13 A Depending on the distance, amount of time. But no, if
14 there's no connection, I can't tell you where the phone was
15 or was not. If there's two connections very close together,
16 we can assess that the phone probably did not go far. But
17 in some of the examples you gave, if there's eight hours of
18 time between connections, I can't tell you where the phone
19 was or was not during that time.

20 MS. THIELE: Thank you, Agent Busick. No further
21 questions.

22 THE COURT: Any redirect?

23 MS. DEAN: Just very briefly, Your Honor.

24 THE COURT: Okay.

25 MS. DEAN: Thank you.

R. Busick - Redirect - Ms. Dean

756

1 REDIRECT EXAMINATION

2 BY MS. DEAN:

3 Q Agent Busick, what happens to cell site location
4 information if you turn your phone off?

5 A If you turn your phone off, then it won't be connected
6 to the network and there will not be any location
7 information generated for the phone during whatever time
8 that it's off and disconnected from the network.

9 Q Let's zero in on two time frames that you were just
10 asked about on cross-examination.

11 MS. DEAN: I want to first put up slides -- let's
12 start with slide 25.

13 (Exhibit published.)

14 Q On April 8, 2018, what is the last time that there was
15 user activity from the Cory Martin phone?

16 A On April 8th -- and I apologize, you'll have to zoom in
17 a little bit -- 6:36 p.m.

18 Q Now let's turn to slide 26 that you were just asked
19 about -- actually, let's go to slide 27, on April 9th.

20 After 6:36 p.m. on April 8th, what is the next
21 time there is any cell phone user activity on the Cory
22 Martin phone?

23 A 11:14 a.m.

24 Q Let's look at April 7th into April 8th.

25 MS. DEAN: If we can go to slide 23.

R. Busick - Recross - Ms. Thiele

757

1 Q On April 7th, what is the last time that there was any
2 user activity on the Cory Martin phone?

3 A 11:01 p.m.

4 Q And turning to slide 24, what is the next time the
5 morning of April 8th that there's any user activity on the
6 Cory Martin phone?

7 A If you could just zoom in again for me, please. Thank
8 you.

9 9:18 a.m.

10 MS. DEAN: No further questions.

11 THE COURT: Any recross?

12 MS. THIELE: Briefly, Your Honor. Thank you.

13 RECROSS EXAMINATION

14 BY MS. THIELE:

15 Q Agent Busick, can you from the call detail records
16 only, actually tell us whether user activity ended at any of
17 these times?

18 A I can only tell you when the last -- the last recorded
19 interaction with the network was based on a call or text
20 message.

21 Q So it's possible that the person could have been on
22 Facebook?

23 A Yes.

24 Q Or sending a Facebook message?

25 A Yes.

R. Busick - Recross - Ms. Thiele

758

1 Q Or making a Facebook call?

2 A That is possible, yes.

3 MS. THIELE: Nothing further.

4 THE COURT: Anything else?

5 MS. DEAN: No, thank you, Your Honor.

6 THE COURT: All right.

7 You can step down. Thanks so much.

8 THE WITNESS: Thank you.

9 (Witness is excused.)

10 THE COURT: Are you ready to call your next
11 witness?

12 MS. HAJJAR: Yes, Your Honor. The Government
13 calls Cedric Raymondo.

14 (Witness takes the stand.)

15 THE COURTRoom DEPUTY: Raise your right hand for
16 me, please.

17 (Witness sworn.)

18 THE COURTRoom DEPUTY: Please state your name for
19 the record?

20 THE WITNESS: My name is Officer Cedric Raymondo
21 from 76th Precinct.

22 THE COURTRoom DEPUTY: Thank you. Have a seat.

23 THE COURT: Officer Raymondo, that chair doesn't
24 move, but you can pull the microphone.

25 THE WITNESS: Got it.

C. Raymondo - Direct - Ms. Hajjar

759

1 THE COURT: That moves. You can pull it all the
2 way up if you want.

3 Now, I have a feeling you might be a fast talker.

4 THE WITNESS: I'll slow down.

5 THE COURT: The court reporter has to take down
6 everything that you say, so --

7 THE WITNESS: Slow.

8 THE COURT: Like you've turned whatever the knob
9 is on a tape -- well, that's too old-fashioned.

10 So really do your best just to speak slowly.

11 THE WITNESS: Okay.

12 THE COURT: I do want to make sure everybody hears
13 you at both tables and of course the jury.

14 If there is a question that you're asked that you
15 don't understand or you want to have repeated, just let me
16 know. Okay?

17 THE WITNESS: No problem.

18 THE COURT: Go ahead.

19 **CEDRIC RAYMONDO**,

20 called as a witness, having been first duly
21 sworn/affirmed, was examined and testified as
22 follows:

23 DIRECT EXAMINATION

24 BY MS. HAJJAR:

25 Q Good afternoon, Officer Raymondo.

C. Raymondo - Direct - Ms. Hajjar

760

1 A Good afternoon.

2 Q How long have you worked for the NYPD?

3 A About seven years now.

4 Q And can you tell us where you worked for the NYPD?

5 Where did you start your career?

6 A I started my career in the 105th Precinct.

7 Q And how long were you there for?

8 A About five and a half years.

9 Q And after that?

10 A The 76th Precinct, currently.

11 Q What are your duties and responsibilities now?

12 A I patrol.

13 Q And what years did you -- you said -- what years did

14 you work at the 105th Precinct?

15 A 2017 to 2023.

16 Q And what area does that cover?

17 A 105 covers Rosedale, Springfield Gardens, New Hyde

18 Park, Queens Village.

19 Q Is that all in Queens, New York?

20 A All in Queens, yes.

21 Q And directing your attention to January 7, 2018, were

22 you working in the 105th Precinct that day?

23 A Yes.

24 Q What were your hours that day?

25 A I was working 2315 to 0750.

C. Raymondo - Direct - Ms. Hajjar

761

1 Q Is that 11:15 to 7:50 a.m.?

2 A Yes.

3 Q With that's an overnight shift?

4 A Yes, overnight shift.

5 Q What was your assignment that day?

6 A I was patrol.

7 Q Were you alone or with a partner?

8 A The with a partner.

9 Q And were you in uniform or plain clothes?

10 A In uniform.

11 Q On foot or in a vehicle?

12 A In a vehicle.

13 Q Directing your attention to about midnight on

14 January 27, 2018, did you receive a new job on the radio?

15 A Yes.

16 Q What was that?

17 A It was a assault in progress.

18 Q And where was that job?

19 A It was at 249-45 148th Road in Rosedale.

20 Q That's in Queens, New York?

21 A Yes.

22 Q What did you do?

23 A I -- the central raised me saying that there was a job

24 at that location, and I acknowledged.

25 Q Can you just explain to the jury what it means to

C. Raymondo - Direct - Ms. Hajjar

762

1 receive a job and to acknowledge --

2 A The central raises the sector and concern of where that
3 job is located, and whoever is patrolling the area, we just
4 respond saying we're responding to that location.

5 Q Is that like in response to an emergency call?

6 A Yes.

7 Q Did you respond to that particular job?

8 A Yes, I did.

9 Q What information did you have at the time you
10 responded?

11 A At the time of responding, it was -- central told us
12 there was a female outside and that she was getting hit by
13 her boyfriend.

14 Q Okay. Can you describe the area that you responded to?

15 A Residential.

16 Q And did you report to the address you were given?

17 A Yes, we reported to the address, and when we got to the
18 location, a female was on the corner. We got out of the
19 car, started to talk to her. She was a female wearing a,
20 like, black robe, and she was outside and she was crying and
21 she was frantic, and she was telling us what happened, why
22 she called 911 and why she was outside.

23 She just told us that her boyfriend came home, and
24 he was really drunk, and he punched her in the face on both
25 sides, she said. He also put his hands around her throat,

C. Raymondo - Direct - Ms. Hajjar

763

1 and also he threatened to slice her throat and her kid's
2 throat. She also said that he was in the house and he had a
3 knife with him.

4 Q Did you learn this woman's name at any point?

5 A Yes.

6 Q What was her name?

7 A Adelle Anderson.

8 Q And you said that she reported that someone threatened
9 her and her child?

10 A Yes.

11 Q Did she provide a gender of the child?

12 A No, I don't remember.

13 Q You don't remember.

14 Did she say anything else about who was in the
15 house?

16 A She said that my sister's in the house, but she's
17 locked in her bedroom, she doesn't want to come out.

18 Q And what did she say she did when her boyfriend
19 assaulted her?

20 A That she -- she ran outside.

21 Q Can you describe the woman?

22 A Female, black.

23 Q Did you say she was wearing something specific?

24 A A black robe.

25 Q Did you learn if anyone else was inside the house?

C. Raymondo - Direct - Ms. Hajjar

764

1 A She told me her boyfriend was in the house and her
2 sister was in the house.

3 Q Now, did there come a time where someone was arrested
4 inside the residence?

5 A Yes.

6 Q Do you know what that person's name was?

7 A Cory Martin.

8 Q Were you involved in that arrest?

9 A No.

10 Q Did there come a time that you took photographs of
11 Anderson?

12 A Yes.

13 MS. THIELE: I'd like to show the witness what's
14 marked for identification only as Government Exhibit 996.

15 THE COURT: Did other police officers respond?

16 THE WITNESS: Excuse me?

17 THE COURT: Did other police officers respond?

18 THE WITNESS: Yes, they did, yes.

19 Q Do you recognize this exhibit?

20 A Yes.

21 Q And what do you recognize it as?

22 A That's Adelle Anderson. That's inside of her home in
23 the picture.

24 Q Is that a photograph that you took?

25 A Yes.

C. Raymondo - Direct - Ms. Hajjar

765

1 MS. HAJJAR: I offer Government Exhibit 996 and
2 ask that it be published.

3 THE COURT: Any objection?

4 MR. CECUTTI: No objection.

5 THE COURT: All right. That will be in evidence.

6 (Government's Exhibit 996 received in evidence.)

7 (Exhibit published.)

8 Q This is the photograph that you took of Adelle
9 Anderson, Officer Raymondo?

10 A Yes.

11 MS. HAJJAR: You can take that down.

12 Q Do you remember if you ever met the woman inside the
13 home that Ms. Anderson described as her sister?

14 A I don't.

15 Q Did she say anything about her?

16 A No. She just said that when she was screaming for
17 help, that her sister was banging on the door of her bedroom
18 and that's how she was able to get away and run outside.
19 That's all she said. When we got to the scene, when we
20 asked her who was in the house, she said her sister and her
21 boyfriend, and she said, well, can you call her to tell her
22 to come out? She doesn't know -- I can't -- she doesn't
23 want to come out because she's locked in her bedroom; she's
24 scared.

25 Q Did you have any other involvement in this incident or

C. Raymondo - Cross - Mr. Cecutti

766

1 any further investigation into this case?

2 A No.

3 MS. HAJJAR: No further questions, Your Honor.

4 THE COURT: Any cross-examination?

5 MR. CECUTTI: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. CECUTTI:

8 Q Good afternoon.

9 A Good afternoon.

10 Q As part of your responsibilities on the night of
11 January 27th, you completed reports?

12 A Yes.

13 Q You completed an arrest report?

14 A Yes.

15 Q Complaint report?

16 A Yes.

17 Q And some incident reports?

18 A Yes.

19 Q And in your incident report, you indicated that
20 Ms. Anderson didn't have any visible marks, correct?

21 A That's correct.

22 MR. CECUTTI: I have nothing further.

23 THE COURT: Any redirect?

24 MS. HAJJAR: No, Your Honor.

25 THE COURT: All right, Officer, thanks so much.

Proceedings

767

1 THE WITNESS: Thank you.

2 (Witness is excused.)

3 THE COURT: Are you ready to call your next
4 witness?

5 MR. PALACIO: Yes, Your Honor.

6 But, Your Honor, before I call the next witness,
7 I'd like to read in a stipulation.

8 THE COURT: Sure.

9 MR. PALACIO: Your Honor, this is Government
10 Exhibit 1202. It's a stipulation that reads:

11 It is hereby stipulated and agreed by and between
12 the United States of America, by the undersigned Assistant
13 United States Attorneys, and the defendant, Cory Martin, by
14 his undersigned attorneys, as follows:

15 1: Government Exhibit 102 contains surveillance
16 footage from a residence located at 249-44 148th Road,
17 Queens, New York, between April 2, 2018 through April 9,
18 2018.

19 2: Government Exhibit 103 contains surveillance
20 footage from two cameras of a DVR system belonging to a
21 residence located at 249-40 148th Road, Queens, New York,
22 between April 7 and April 10, 2018. The DVR system did not
23 contain video surveillance footage before April 7, 2018.

24 3: Government Exhibit 111 contains surveillance
25 footage from a residence located at 93-19 Schenck Street,

Proceedings

768

1 Brooklyn, New York, between April 2, 2018 and April 5, 2018,
2 as well as video from April 6, 2018 and April 9, 2018. The
3 date depicted on the video of Government Exhibit -- it
4 should be 111 -- is accurate, and the time on the video is
5 approximate two minutes slow.

6 4: Government Exhibit 104 contains surveillance
7 footage from a residence located at 249-39 148th Road,
8 Queens, New York, for certain time periods between April 2,
9 2018 and April 5, 2018. The date depicted on the video of
10 Government Exhibit 104 is accurate, and the time on the
11 video is approximately 8 hours and 15 minutes fast.

12 This stipulation is admissible in evidence as
13 Government Exhibit 1202. It's dated with today's date and
14 signed by the parties.

15 Your Honor, at this time the Government calls
16 Detective Omar Santiago.

17 (Witness takes the stand.)

18

19 (Continued on the following page.)

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Proceedings

769

1 (In open court; Jury present.)

2 (Witness takes the witness stand.)

3 THE COURTROOM DEPUTY: Raise your right hand for
4 me, please.

5 THE WITNESS: Yes.

6 THE COURTROOM DEPUTY: Please state your name for
7 record.

8 THE WITNESS: Detective Omar Santiago.

9 (Continued on the following page.)

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0. Santiago - Direct - Mr. Palacio

770

1 OMAR SANTIAGO,

2 called as a witness by the Government, having been first
3 duly sworn/affirmed by the Courtroom Deputy, was examined and
4 testified as follows:

5 THE COURTROOM DEPUTY: Thank you.

6 THE COURT: All right, Detective, just a couple of
7 things. I want to make sure everybody can hear you. So
8 just -- that chair doesn't move, sorry. We should have a
9 sign on it. The microphone does. And I do want to make sure
10 that everybody can hear you, so just make sure you're making
11 good use of it. Don't speak too fast. It's very hard on the
12 court reporter and I don't want her to quit.

13 If there's a question that you don't understand or
14 want to have repeated, just let me know. Okay?

15 THE WITNESS: Okay, no problem.

16 THE COURT: Go ahead.

17 MR. PALACIO: Thank you, your Honor.

18 DIRECT EXAMINATION

19 BY MR. PALACIO:

20 Q Detective, how long have you been with the NYPD?

21 A In July it will be 21 years.

22 Q Can you tell us about your career following graduation
23 from the academy?

24 A Once I graduated I went to the 7-5 Precinct in East New
25 York. I was there for six months.

0. Santiago - Direct - Mr. Palacio

771

1 In July of -- in July of '04 I ended up in the 8-4
2 Precinct, it covers downtown Brooklyn, this area here.

3 In July of 2014, I was transferred to the 6-0
4 Detective Squad that covers the Coney Island area of Brooklyn
5 and Brighton Beach area also.

6 In January of 2018, I was temporarily assigned to
7 Brooklyn South Homicide for a year and a half. So I went
8 back to the 6-0 in July of '19.

9 In July of '20, they had me start the video team,
10 which is where I'm at today, I'm assigned to today.

11 Q Can you tell us what the video team is?

12 A So we go out and we get videos for different
13 instances -- incidents, shootings, homicide, any case that
14 makes the media they need help with, give us a call. Hate
15 crimes, arsons, they'll call us up and we'll get the videos
16 for those incidents and then we'll make compilations.

17 Q In what type of videos do you collect?

18 A All types of videos from houses, businesses, vehicles,
19 doorbell cameras, pretty much anything.

20 Q How do you assist other detectives through your work in
21 the video team?

22 A Having video of the incidents what makes a case
23 sometimes, you know. Or you see witnesses on it. It makes
24 the case.

25 Q And you said that you make compilation videos; is that

0. Santiago - Direct - Mr. Palacio

772

1 right?

2 A Yes.

3 Q Can you tell us what a compilation video is?

4 A The compilation video is you collect videos from
5 different locations in the city, you keep just a probative
6 portion of those videos and then you splice them together to
7 make like a movie, what happened.

8 Q Can you tell us what a DVR is?

9 A A DVR is a digital recording system for cameras. The
10 cameras get the footage and it's recorded on to a DVR.

11 Q So when you respond to a location, how do you generally
12 collect surveillance video?

13 A We go -- normally we go straight to the DVR, put in a
14 thumb drive and we ascertain if there's a time difference, if
15 the timestamp is accurate, we note that, and if there's a
16 time difference we adjust for the time we're looking for and
17 then we download it on to a thumb drive.

18 Q How do you verify the accuracy of a date and timestamp
19 on surveillance video that you collect?

20 A So you go to the live feed, it's the time that's now,
21 and you compare the time on the monitor to the time on your
22 watch or your phone.

23 Q Are there other ways to verify the accuracy of a
24 timestamp?

25 A Yes.

0. Santiago - Direct - Mr. Palacio

773

1 Q Can you tell us how you do that?

2 A So if you have two locations where the camera footage,
3 the camera angle cross, and you know that this camera is off
4 or this camera is accurate and you're looking at camera B and
5 you -- and it's off by hours or whatever, you know that
6 something happened on camera A at 1 o'clock, when you see
7 that same incident on camera B you know that that incident
8 happened at 1 o'clock, so you could adjust the timestamp, the
9 real time from the timestamp.

10 Q Now based on your training and experience, are there
11 times when a DVR system differs from realtime?

12 A Many times.

13 Q Can you tell us what causes that?

14 A DVRs, just like everything else, DVRs, there's -- there
15 is a time differences. It uses, let's say one DVR loses one
16 second every month. This DVR loses one second every three
17 months. This DVR loses one second every three days. It is
18 never in sequence. So just like a microwave may not matches
19 the time on the wall, but then after a couple of months the
20 time is different.

21 Q And do DVR systems automatically account for Daylight
22 Savings Time?

23 A Most systems you have to set up to do that.

24 Q Now you told us that you create compilation videos, can
25 you tell us how you do that?

0. Santiago - Direct - Mr. Palacio

774

1 A I use a software, we use Camtasia.

2 THE COURT: What is it called?

3 THE WITNESS: Camtasia.

4 THE COURT: Camtasia?

5 THE WITNESS: Yes.

6 BY MR. PALACIO:

7 Q Can you describe that a little bit more for us, what is
8 Camtasia and what does it allows you to do?

9 A Camtasia is a video editing software. The department
10 gives us Camtasia, so we use Camtasia. You could splice, cut
11 video, add other videos to it and just make compilations of
12 it, make videos with it.

13 Q Approximately how many video compilations have you made
14 over the course of your career?

15 A Hundreds.

16 Q Now do you also train other detectives in using Camtasia
17 and how to create compilation videos?

18 A Yes.

19 Q Did there come a point in time when you became involved
20 in an investigation into the discovery of a dismembered
21 female named Brady Odom in Canarsie Park, Brooklyn?

22 A Yes.

23 Q When did you first become involved in that
24 investigation?

25 A On April 10th of 2018.

0. Santiago - Direct - Mr. Palacio

775

1 Q Did you actually respond to Canarsie Park that day?

2 A On April 10th, yes.

3 Q Are you aware when Ms. Odom's body was initially
4 discovered?

5 A Yes.

6 Q When was that?

7 A On the 9th, April 9th of 2018.

8 Q When you responded to the park on April 10th, 2018, did
9 you speak with other detectives investigating the case?

10 A Yes.

11 Q And did you conduct a video canvass?

12 A Yes.

13 Q Can you tell the jury what a video canvass is?

14 A So a video canvass is you walk around and try to get
15 cameras that may have captured what you're looking for, may
16 have capture the incident. So you walk around, see how many
17 cameras could you find to see how many cameras that capture
18 the area you want --

19 THE COURT: Slow down just a little bit.

20 THE WITNESS: All right.

21 THE COURT: That's fine.

22 A Capture the area you want and you collect those videos.

23 Q When you say you walk around, what type of locations do
24 you go to?

25 A Different locations, mostly commercial, like stores,

0. Santiago - Direct - Mr. Palacio

776

1 bodegas, or residential, many residential houses.

2 Q And did you begin collecting surveillance video that day
3 on the 10th?

4 A Yes.

5 Q Did you continue to canvass for surveillance video past
6 April 10th?

7 A Yes.

8 Q About how long did that canvass continue?

9 A I think the last video I collected was on April 20th.

10 Q Did other detectives participate in the video canvass?

11 A Yes.

12 MR. PALACIO: Now if we could show the witness
13 what's in evidence as Government's Exhibit 12. If we can
14 sort of zoom in.

15 Q Detective Santiago, were there particular locations or
16 areas that you focused on for collecting video?

17 A I focused on the surrounding area of Canarsie Park.
18 Seaview Avenue, which is the avenue just above the park, and
19 Skidmore which is on the east side, the top -- the top east
20 side of the park, and then Schenck, which is the bottom east
21 side and there is also one that's off the camera angle, East
22 93rd Street, I also canvassed there.

23 Q I think you should be able to touch the screen and maybe
24 if you could draw a line along Seaview Avenue.

25 A Seaview Avenue.

0. Santiago - Direct - Mr. Palacio

777

1 Q Okay. And the other locations?

2 A This is Skidmore and this is Schenck this way. And then
3 93rd is up here.

4 Q You've indicated with your finger the locations of these
5 streets; is that correct?

6 A Correct.

7 Q Why did you focus on these particular areas?

8 A Because going with the assumption that whoever took --
9 put the body there had to go through one of these streets
10 since this is the only access -- this is essentially the only
11 access to the park.

12 Q Did you look for surveillance video on the residential
13 blocks along Seaview Avenue as well?

14 A Yes.

15 Q What did you do?

16 A I went -- I first got footage on Seaview Avenue, then I
17 went -- I tried to get video from at least every block, every
18 block, so, like, a person or vehicle passes up and down the
19 block I could at least have one video showing the person or
20 the vehicle.

21 Q When you say blocks, are you talking from the 80s until
22 the 90s along Seaview Avenue?

23 A Yes, I got from 85th, I tried from 84th and also East
24 80th, all the way to East 93rd Street.

25 Q Were you able to collect surveillance video from these

0. Santiago - Direct - Mr. Palacio

778

1 various areas?

2 A From a lot of the areas, yes.

3 Q From what type of locations?

4 A One was a dentist and the rest were residential houses.

5 Q Now, at that point in time in the investigation, was
6 there a general time frame that you were focused on as you
7 collected surveillance video near Canarsie Park?

8 A So we were going with the assumption that the body was
9 dropped off during the daytime on the 8th, 'cause it -- we
10 assumed it would have been reported. So we started on just
11 before dusk, just before nighttime on the 8th and we
12 collected -- I collected up to around eight, 9 o'clock on the
13 ninth.

14 THE COURT: 9 o'clock a.m. or p.m.?

15 A A.m., sorry.

16 Q Why until 9 o'clock a.m. more or less on the 9th?

17 A Because by that time it was reported that the body had
18 already been discovered.

19 Q Can you tell us, as you collected video, what you were
20 looking for?

21 A We had no information, we were looking for anything
22 suspicious. So initially we were just collecting the video
23 and then whatever recorded recorded and then we would go
24 through it later.

25 Q Approximately how many hours of surveillance video did

0. Santiago - Direct - Mr. Palacio

779

1 you and other detectives collect?

2 A Me alone was over 250 hours.

3 Q Now, other than collecting surveillance video, were you
4 involved in the actual investigation into the homicide of
5 Brandy Odom?

6 A No.

7 Q Did there also come a time when you received
8 surveillance video collected by other detectives?

9 A Yes.

10 Q Did that include video collected from detectives from
11 the following locations in Queens: 249-40 148th Road, 249-44
12 148th Road and 249-39 148th Road?

13 A Yes.

14 Q What type of locations are those addresses?

15 A Those are all residential houses.

16 Q Did there come a point on April 8th, 2023 when you drove
17 around Canarsie Park in connection with this case?

18 A Yes.

19 Q And who did you drive around the park with?

20 A I drove around with -- a couple of prosecutors, a FBI
21 agent, and Adelle Anderson.

22 Q Had you ever met Adelle Anderson?

23 A No.

24 Q What was reason for the drive with Ms. Anderson?

25 A I wanted to see what route was driven to the park and

0. Santiago - Direct - Mr. Palacio

780

1 also where -- where the vehicle was stopped at.

2 Q And during the drive around the park with Ms. Anderson,
3 where did she sit?

4 A She sat in the passenger seat.

5 Q Can you tell us what locations you drove with her?

6 A We started by the Belt Parkway on Rockaway Parkway. We
7 drove north, and then we turned on to Skidmore Avenue. And
8 drove down to the corner here of Skidmore and Schenck.

9 Q You've drawn a circle around the location where Skidmore
10 and Schenck meet, correct?

11 A Correct.

12 MR. PALACIO: I'd like to show you what's in
13 evidence as 992A.

14 There should be a bottom at the bottom to clear.

15 THE COURT: On the left. It says clear.

16 THE WITNESS: There we go.

17 Q Detective, you told us you went with Ms. Anderson to the
18 corner of Skidmore and Schenck?

19 A Yes.

20 Q What location is this at Government's 992A?

21 A That's the corner of Skidmore and Schenck.

22 Q Can you just describe that area for us, how it enters
23 the park?

24 A It's -- it's like a U-turn there. Skidmore runs into
25 Schenck, like it almost like a U-turn and then there's

0. Santiago - Direct - Mr. Palacio

781

1 entrances that you could walk into the park and there's one
2 entrance that's an official entrance to drive into the park,
3 which they lock down, and in 2018 there was a spot where cars
4 could unofficially drive in through the park.

5 Q And where else did you drive to with Ms. Anderson?

6 A We went back to towards the Belt Parkway and Rockaway
7 Parkway, we drove up Rockaway Parkway and turned westbound on
8 to Seaview Avenue, up to -- we drove up to East 88th Street.

9 MR. PALACIO: I'd like to show you what's in
10 evidence as 992D.

11 Q What location is this?

12 A That's Seaview and East 88th Street.

13 Q And did Ms. Anderson draw your attention to that
14 intersection?

15 A Yes.

16 Q Where else did you drive with Ms. Anderson?

17 A Made a U-turn and we went westbound to Remsen and
18 Seaview Avenue.

19 Q Just to be clear here on 992D, the street on the
20 right-hand side of the photo is that Seaview Avenue?

21 A This is Seaview Avenue.

22 Q Where would Remsen be?

23 A Remsen would be over here somewhere. Not that block,
24 the following block.

25 Q So you've indicated towards the center of the photo

0. Santiago - Direct - Mr. Palacio

782

1 where Remsen Avenue would be, correct?

2 A Correct.

3 Q Over the course of your involvement in this
4 investigation, did you learn what type of car Ms. Anderson
5 drove in 2018?

6 A Yes.

7 Q And what type of car was that?

8 A A Maxima, a Nissan Maxima.

9 MR. PALACIO: I'd like show you what's in evidence
10 as Government's Exhibit 909.

11 (Exhibit published.)

12 Q Did you receive these photographs from the government?

13 A Yes.

14 Q What did you notice about the car?

15 A The car had fade marks on the roof of the car, so I
16 guess up here it has fade marks.

17 Q How would you describe those fade marks?

18 A Big, and they stand out. It's like a gray, gray color
19 to them.

20 MR. PALACIO: If we could show the witness
21 Government's Exhibit 913 is evidence.

22 (Exhibit published.)

23 Q Did you notice any other fade marks to that vehicle?

24 A Yes. The fade marks continue on the roof up here. And
25 then on the trunk of the vehicle down here.

0. Santiago - Direct - Mr. Palacio

783

1 Q And what type of car is this again? I'm sorry.

2 A Nissan Maxima.

3 MR. PALACIO: You can take this down.

4 Q After the drive with Ms. Anderson and after reviewing
5 those pictures of what her car looked like in 2018, did you
6 go back to review video that you had originally collected in
7 this case?

8 A Yes.

9 Q And how did that drive and the review of those pictures
10 help your reevaluation of the surveillance video?

11 A Because now I knew what I was looking for, where I was
12 looking at and what items to also look for.

13 Q So what did you do?

14 A So I went to the footage.

15 Q Did you have a more narrow time frame?

16 A Yes.

17 Q Were you able to see that Nissan Maxima in the area
18 around Canarsie Park?

19 A Yes.

20 Q On which date?

21 A On April 9th, 2018.

22 Q Did there come a point when you were asked by the
23 government to create a compilation for this case?

24 A Yes.

25 Q Did the overall compilation cover a particular time

0. Santiago - Direct - Mr. Palacio

784

1 frame?

2 A Yes.

3 Q What were the dates?

4 A It covers from April 4th, 2018 -- I'm sorry, April 2nd,
5 2018 to April 9th, 2018.

6 Q So to be clear, from April 2nd to April 9th, 2018?

7 A Correct.

8 Q And did you break down the compilation by day?

9 A Yes.

10 Q Now, in total, how many different camera locations did
11 you use to create the compilation for this case?

12 A I used -- for the compilation I used nine locations.

13 Q And was there another location that you used as a
14 reference point?

15 A Yes.

16 Q Would that be 10 locations in total?

17 A Correct.

18 MR. PALACIO: Your Honor, if we could show the
19 witness for ID only, Government's Exhibit 100.

20 Q Detective, can you tell us what's in front of you as
21 Government's Exhibit 100?

22 A This is a list of the locations where -- that I used in
23 the compilation and one location where I just has as a
24 reference.

25 Q What other information does this chart include?

0. Santiago - Direct - Mr. Palacio

785

1 A It shows the address and the time discrepancies between
2 the timestamp and actual time.

3 MR. PALACIO: Your Honor, I'm offering into
4 evidence as Government's Exhibit 100.

5 THE COURT: Any objection?

6 MS. THIELE: No objection.

7 THE COURT: That will come into evidence.

8 (Government's Exhibit 100 was received in
9 evidence.)

10 MR. PALACIO: Mr. Rader, maybe we could focus in on
11 the first five.

12 Q Detective, if you could give us the Government Exhibit
13 number and then the location of the video that were used in
14 this compilation as well as the time differences, please.

15 A Okay. GX102, that's 249-44 148th Road, and the time
16 discrepancy is 18 minutes and 57 seconds fast.

17 Next is GX103, which is 249-40 148th Road, and the
18 time discrepancy is five minutes and 32 seconds fast.

19 Next is the reference location which is GX104,
20 which is 249-39 148th Road and the time discrepancy is eight
21 hours and 15 minutes fast.

22 The next location is GX105, which is 1481 East 89th
23 street, and the time discrepancy is seven seconds slow.

24 The next location is GX106, which is 1459 East 87th
25 Street, and the time discrepancy is six seconds slow.

0. Santiago - Direct - Mr. Palacio

786

1 Q If we could focus on the last five locations.

2 A The next location is GX107, which is 1656 East 91st
3 Street, and the time discrepancy is accurate.

4 The next location is GX108, which is 1469 East 88th
5 Street, and the time discrepancy is 16 minutes, and 37
6 seconds fast.

7 Next location is GX109, which is 1669 East 92nd
8 Street, time discrepancy is 21 seconds slow.

9 Next location is GX110, and that's 1465 East 85th
10 Street, and the time discrepancy is 52 minutes and five
11 seconds slow.

12 Next location is GX111, that's 9319 Schenck Street
13 and the time discrepancy is two minutes slow.

14 Q Okay. And Detective Santiago, at these locations, how
15 many did you personally collect?

16 A Six of them.

17 Q Which numbers would those be?

18 A GX105, GX106, GX107, GX108, GX109, GX110, and that's it.

19 Q When you collected those videos, did you document any
20 time differences at or around the time you collected those
21 videos?

22 A Yes.

23 MR. PALACIO: With the Court's permission, I'd like
24 to show the witness what's marked as Government's Exhibit 101
25 for identification.

0. Santiago - Direct - Mr. Palacio

787

1 THE COURT: All right.

2 Q Detective, can you tell us what is marked as
3 Government's Exhibit 101 for identification containing
4 Government's Exhibits 102 and 111?

5 A Repeat that question.

6 Q Can you tell us what's in front of you as Government's
7 Exhibit 101 which contains Government's Exhibits 102 and 111?

8 A It's a hard drive which contains the videos I used in
9 the compilation and the reference video.

10 Q Does that contain all of the original footage from the
11 locations we just saw on the chart, Government's Exhibit 100?

12 A Yes.

13 MR. PALACIO: Your Honor offering into evidence as
14 Government's Exhibit 101.

15 THE COURT: Any objection?

16 MS. THIELE: No objection.

17 THE COURT: All right. That's in evidence.

18 (Government's Exhibit 101 was received in
19 evidence.)

20 Q Detective Santiago, were you able to collect any video
21 from the early morning hours of April 8th?

22 A The early hours of April 8th, in some locations, but
23 mostly no.

24 Q Was any of that video probative?

25 A No.

0. Santiago - Direct - Mr. Palacio

788

1 Q Now coming back to the compilation video, did your
2 compilation focus on a house located at 249-45 148th Road in
3 Canarsie Park as well as Canarsie Park?

4 A Yes.

5 Q Now I'd like to focus first on the Queens portion of the
6 compilation video. I'd like to show you what's marked as
7 Government's Exhibit 13 for identification.

8 MR. PALACIO: Your Honor, may we also show
9 Government's Exhibit 13A for identification?

10 THE COURT: Yes.

11 Q Detective, do you recognize what's in front of you as
12 Government's Exhibit 13 and 13A?

13 A Thirteen, yes. And 13A, yes.

14 Q Are these the same thing?

15 A Yes.

16 Q What do they show?

17 A It shows a map, a map and insert in the map of Queens.

18 Q Of what location?

19 A Of 249-45 148th Road.

20 MR. PALACIO: Your Honor, offering into evidence.

21 THE COURT: Any objection?

22 MS. THIELE: No objection.

23 THE COURT: That's in evidence.

24 (Government's Exhibits 13 and 13A were received in
25 evidence.)

0. Santiago - Direct - Mr. Palacio

789

1 (Exhibit published.)

2 MR. PALACIO: Your Honor, would we be able to post
3 this here?

4 THE COURT: Yes, I want to make sure, Ms. Thiele,
5 if you want to come over and see what's going on, that's
6 fine.

7 Q Detective, can you tell us what is highlighted by that
8 yellow bubble?

9 A That's the insert I put to highlight the area around
10 249-45 148th Road.

11 Q What neighborhood is this?

12 A Rosedale.

13 Q And do you see a street on the left-hand side that's
14 marked red?

15 A Yes.

16 Q What's the name of that street?

17 A That's Brookdale Boulevard.

18 Q Is that Brookville Boulevard?

19 A Brookville Boulevard, I'm sorry, yes.

20 Q Is it known by any other names?

21 A Yes, Snake Road.

22 Q Can you describe that road for us?

23 A On the north side of the road it's a residential area,
24 then once you pass that and you get to the middle it's like a
25 marsh land. It used to be swampy, but now it's like

0. Santiago - Direct - Mr. Palacio

790

1 marshlands, it connects to the airport and to Five Towns.

2 Q What is Five Towns?

3 A Five Towns is a eyesore, it has a shopping center, but
4 it's an area in, I don't know if it's Long Island, where it's
5 like a shopping center.

6 Q Do you see Five Towns on the map?

7 A The Five Towns Shopping Center, it starts right here,
8 down here. These white buildings at the bottom.

9 Q You've indicated to the bottom of Government's
10 Exhibit 13; is that correct?

11 A Yes.

12 Q And have you driven down Snake Road?

13 A Yes.

14 Q And are you familiar with a location called Green Acres
15 Mall?

16 A Yes.

17 Q Do you see that on this map?

18 A Yes.

19 Q Can you tell us where that is?

20 A It's in the top up here.

21 Q And what type of businesses are in that location?

22 A That's also a shopping center or shopping mall.

23 Q What have you inserted in the map?

24 A I put Home Depot, where Home Depot is at and Walmart,
25 where Walmart is at.

0. Santiago - Direct - Mr. Palacio

791

1 Q Now what type of location is 249-45 148th Road?

2 A A residential house.

3 Q Did the compilation include video from locations around
4 that house?

5 A Yes.

6 Q Did those locations include 249-40 148th Road and 249-44
7 148th Road?

8 A Yes.

9 MR. PALACIO: If we could show the witness
10 Government's Exhibit 16. Just for the witness only.

11 Q Detective Santiago, can you tell us what we're looking
12 at here?

13 A We're looking at a blown up version of the insert in the
14 previous photo.

15 Q And what address is shown?

16 A 249-45 148th Road.

17 Q Does this map show us the area around that address?

18 A Yes.

19 MR. PALACIO: Your Honor, offering into evidence as
20 Government's Exhibit 16?

21 THE COURT: Any objection?

22 MS. THIELE: No objection.

23 THE COURT: All right, it's in evidence.

24 (Government's Exhibit 16 was received in evidence.)

25

0. Santiago - Direct - Mr. Palacio

792

1 Q Detective, can you tell us where those two addresses
2 that were used in the compilation are in relation to 249-45?

3 A They are across the street, so in the photo right
4 underneath them.

5 Q And you said that there was a reference location that
6 you used 249-39 where is that?

7 A That's next door, so it would be like under the "d" in
8 road, so right here, right under that circle.

9 Q You're indicating on the same side of the street as
10 249-45?

11 A Correct. Next door.

12 Q Now we see some red shading from 249-40 and 249-44, what
13 is that meant to show us?

14 A That's the approximate camera angles of the videos from
15 those two locations.

16 Q So in other words, does that show us the approximate
17 coverage of the video?

18 A Yes.

19 Q What are the cross streets here for that address?

20 A The cross street is 256 Street and 249th Street.

21 Q Now before you created the video compilation, were you
22 able to determine the time difference for the videos from
23 249-44 and 249-40 148th Road?

24 A Yes.

25 Q Can you tell us how you did that?

0. Santiago - Direct - Mr. Palacio

793

1 A So it's documented that 249-39 is fast by eight hours
2 and 15 minutes. So I looked for -- I went through the
3 footage and I looked for a moment in the video which shows
4 the incident. It was just a guy like opening a trunk and I
5 knew that from the camera angle that it was -- that gentleman
6 opening the trunk would also be captured on the video from
7 249-44. So now I took the timestamp, which is the time
8 that's embedded in the video, and I subtracted eight hours
9 and 15 minutes from the timestamp and it gave me a time of
10 113 and 30 seconds p.m. in the afternoon. So then I knew
11 when the guy opened the trunk it was at 1:13:30 in the
12 afternoon, and 30 seconds in the afternoon. So I went to the
13 249-44 video and I looked for that same -- same incident, the
14 guy opening the trunk and I found it, but I saw the time was
15 different on the timestamp, which means the timestamp is off
16 because we know that he opens the trunk at 1:13 and 30
17 seconds. So then I subtracted the 1:13 and 30 seconds the
18 time, the actual time from the timestamp and determined that
19 the reason the time is off is 'cause the timestamp is fast by
20 18 minutes and 57 seconds.

21 Q Fast or slow?

22 A Fast.

23 Q And did you use that same method to determine the time
24 difference for 249-40 148th Road?

25 A Yes.

0. Santiago - Direct - Mr. Palacio

794

1 Q What was time difference for that location?

2 A The time difference was five minutes and 32 seconds
3 fast.

4 Q Did you use that same method to look at different events
5 throughout the day that were captured on the same cameras to
6 make sure that the time differences were the same?

7 A Yes. I was able to confirm that the time differences
8 were accurate by looking at different events that were
9 captured by multiple cameras.

10 Q Now, approximately how many hours of video did you watch
11 from these two locations?

12 A Over a hundred.

13 Q Did you watch continuous video from both of those
14 locations?

15 A Yes.

16 Q Did the compilation include all the movements in and out
17 of that house at 249-45 148th Road between April 2nd and
18 April 9, 2018?

19 A Yes.

20 Q Now, I'd like to talk to you about the Brooklyn portion
21 of the compilation video, and if we could show the witness
22 what's marked as Government's Exhibit 11 for identification.

23 Detective Santiago, can you tell us what's in front
24 of you as Government's Exhibit 11?

25 A Yes, it's a map of the area around Canarsie Park.

0. Santiago - Direct - Mr. Palacio

795

1 Q And what else does the map show us?

2 A The map shows addresses where the video was collected
3 from and approximate camera angles that they cover.

4 MR. PALACIO: Your Honor, offering into evidence as
5 Government's Exhibit 11.

6 THE COURT: Any objection?

7 MS. THIELE: No objection.

8 THE COURT: Okay.

9 (Government's Exhibit 11 was received in evidence.)

10 MR. PALACIO: Mr. Rader, if we could focus in on
11 that area around Seaview.

12 Q Detective Santiago, what do the yellow addresses show us
13 now that we have the exhibit in front of all of us?

14 A Those are the locations where I collected video from.

15 Q And the red shading, again what is that meant to show?

16 A The approximate camera angle.

17 Q And the location on the corner of East 88th Street and
18 Seaview Avenue, what type of location is that?

19 A East 88th, that's a Jewish school.

20 Q During your video canvass in 2018, were you able to
21 recover any video that captured the corner of East 88th and
22 Seaview Avenue?

23 A The very corner, no.

24 Q And if we could go to the area around Skidmore and
25 Schenck. There is another location here, 9319 Schenck

0. Santiago - Direct - Mr. Palacio

796

1 Street, can you tell us the significance of that address?

2 A That address -- the video from that address is also used
3 in the compilation.

4 MR. PALACIO: We can take that down.

5 Q Detective, now I'd like to turn to the actual
6 compilation you created for this case.

7 Can you tell us what Google Earth is and how you
8 used it in the compilation?

9 A Google Earth is a mapping program. It's just like
10 Google Maps but Google Earth you could zoom in and zoom out
11 and different -- use different camera angles and get a video
12 out of that.

13 Q Did you do anything to indicate the passage of time
14 between different clips on the compilation?

15 A Yes, I put a black screen and I indicated the time
16 that -- when it jumped from one time to another.

17 Q Did you do anything to indicate the end of one day and
18 the start of another day?

19 A Yes, I put the day that we're about to view.

20 Q Did you include any effects in the videos?

21 A Yes.

22 Q Such as what?

23 A I put a clock on the top right-hand corner that shows
24 the approximate actual time so it -- it's already built in
25 the time difference from the timestamp.

0. Santiago - Direct - Mr. Palacio

797

1 In the bottom I put captions which show the address
2 of the video we're looking -- the location where the video is
3 taken from is shown in the bottom right-hand corner.

4 I put arrows to have you focus in on a particular
5 object or person.

6 I circled -- I put circles so you could -- to
7 highlight a portion of the video.

8 I put stills, I inserted stills in front of the
9 video so you could compare the footage with the still.

10 Q Did you speed time of any portions?

11 A Yes. Some portions it's long so I sped through it and I
12 put how fast I sped through it. There's one portion where I
13 had to slow down the video download -- downloaded fast this
14 happened, so I slowed it down to actual time and again
15 indicated on top.

16 Q Now other than those effects, did you alter the videos
17 in any way?

18 A Alter, no. I also put a picture-in-picture.

19 Q What is that?

20 A I put picture-in-picture which is one video on top of
21 another video to show two things happening at approximately
22 the same time.

23 (Continued on the next page.)

24

25

C. Santiago - Director - Ms. Palacio

798

1 BY MR. PALACIO: (Continuing.)

2 MR. PALACIO: Are we able to show Government's
3 Exhibit 112 to the witness only? Ms. Greene, I think we have
4 to change from Mr. Rader.

5 Q Detective Santiago, do you see what's in front of you as
6 Government's Exhibit 112?

7 A Yes.

8 Q What is this?

9 A It's the compilation I made.

10 Q Does this compilation include the videos from the
11 locations that we've talked about spanning the time of
12 April 2nd to April 9th, 2018?

13 A Yes.

14 MR. PALACIO: Your Honor, offering into evidence
15 Government's Exhibit 112.

16 THE COURT: Any objection?

17 MS. THIELE: No objection.

18 THE COURT: All right.

19 (Government's Exhibit 112 was received in evidence.)

20 Q Before we begin, Detective --

21 MR. PALACIO: Are we able to dim the lights a little
22 bit?

23 THE COURT: Just fair warning, sometimes every light
24 goes off so don't be alarmed. But I think we should be able
25 to do it.

C. Santiago - Direcⁱ - M^r. Palacio

799

1 (Video played throughout examination.)

2 Q Detective, I'll refer to the elapsed time at the bottom
3 of the video and I'll ask you from time to time the actual
4 converted time.

5 Here at about seven seconds into the video, what
6 locations are we focused on?

7 A We're focused on the house on 249-45, the Rosedale area
8 of Queens, and the Canarsie Park -- around the Canarsie Park
9 area in Brooklyn.

10 Q Just pausing here at 24 seconds into the video, can you
11 tell us what you've inserted before we begin?

12 A On the top right I inserted a clock which shows
13 approximate time; and on the bottom right I show I inserted --
14 the caption shows the address of the location where we
15 received the video from.

16 | Q Do you see where 249-45 148th Road is?

17 A Yes.

18 Q Can you indicate that?

19 A Yes. It's like here.

20 Q You've indicated the area where we see looks like a black
21 car in the driveway?

22 A Yes.

23 Q If you don't mind clearing that, please.

24 A Yes. I don't have the clear option here. You have to
25 move the video.

C. Santiago - Director - Mr. Palacio

800

1 THE COURTROOM DEPUTY: It's right there in the
2 corner.

3 Q And can you tell us what we see on the ground?

4 A Snow.

5 Q What is the converted time?

6 A 11:37 and 12 seconds in the morning.

7 Q I'll play it from 24 seconds into the video.

8 Can you tell us what we see here at about 52 seconds
9 into the video?

10 A An individual walking from 253rd Street into the driveway
11 of 249-45.

12 Q And at about 1:29, can you tell us what we see here?

13 A An individual walking out of the driveway of 45 and
14 walking up to 253rd Street.

15 Q What is the converted time?

16 A 12:11, about 12:12 in the afternoon.

17 Q I'm going to skip ahead to 4 minutes and 25 seconds into
18 the video. By the way, what day of the week was April 2nd?

19 A Monday.

20 Q Here at about 4 minutes and 25 seconds into the video,
21 can you give us the converted time?

22 A 7:54 p.m.

23 Q About 5 minutes into the video, can you tell us what we
24 see?

25 A A vehicle is driving out of the driveway onto 148th Road

C. Santiago - Direct - Mr. Palacio

801

1 and turn to the left onto 253rd Street.

2 Q About an hour-and-a-half later, can you tell us what we
3 see here?

4 A A vehicle driving from 253rd Street onto 148th Road and
5 drives into the driveway.

6 Q Does that appear to be the same vehicle that left earlier
7 that evening?

8 A Yes.

9 Q Can you give us the converted time?

10 A 9:22 p.m.

11 Q I'm going to jump ahead to Wednesday, April 4th, about
12 11:06 into the video. Can you give us the converted time?

13 A 4:40 in the afternoon.

14 Q At 11 minutes and 41 seconds into the video, can you tell
15 us what we see?

16 A You see two individuals walk down the driveway of 45 and
17 walk towards 253rd Street.

18 Q Can you describe their size relative to one another?

19 A One is tall and one is shorter.

20 Q About 41 minutes later, can you give us the converted
21 time? This is about 12 minutes and 22 seconds elapsed into
22 the video.

23 A 5:22 and 10 seconds, p.m.

24 Q What do we see happening?

25 A Two individuals walking back, walking from 253rd Street

C. Santiago - Director - Mr. Palacio

802

1 towards 249-45.

2 Q Do you see anything in their hands?

3 A Yes. One is carrying a white object.

4 Q Do they appear to be the same two individuals we saw
5 earlier that afternoon?

6 MS. THIELE: Objection. Speculation.

7 THE COURT: The jury can make its own conclusions.

8 Q Detective, I'm going to skip ahead a little bit to
9 22 minutes and 30 seconds into the video. On the afternoon of
10 April 5th, did you watch all of the video for that afternoon?

11 A Yes.

12 Q And between the hours of about 2:00 to 2:45 p.m., did you
13 see the black sedan in the driveway of 249-45 leave and return
14 to that house?

15 A Yes.

16 Q How many times?

17 A Three times.

18 Q And after that sedan returned to the driveway after about
19 2:45, what did you see on video?

20 A The driver comes out of the car, the vehicle, and
21 crouches down in front of the car and appears to like do work
22 in front of the car.

23 MS. THIELE: Objection.

24 THE COURT: Overruled. Are you going to play it?

25 MR. PALACIO: Yes.

1 THE COURT: Why don't we just do that.

2 Q Playing from 22:30. About 23 minutes into the video, can
3 you tell us what you did here?

4 A I sped it up by 60 times.

5 Q Can you describe what we see on video over the course of
6 that sped up time?

7 A An individual doing some work in front of the vehicle.

8 MS. THIELE: Objection.

9 THE COURT: I mean the jury can see. I mean, if the
10 detective wants to point it out, that's fine but the jury's
11 evaluation will control.

12 Q Detective, I paused the video about 26 minutes and
13 6 seconds into the video. Approximately how long did you see
14 that male, that individual outside of the car in the driveway?

15 MS. THIELE: Objection.

16 THE COURT: Overruled.

17 A Approximately three hours.

18 Q I'm going to skip ahead to 44 minutes into the video.
19 And 44 minutes into the video, can you give us the date of the
20 video?

21 A The date is April 6, 2018.

22 Q What is the day of the week?

23 A Friday.

24 Q Can you give us the converted time, as well?

25 A 2:42 and 31 seconds in the afternoon.

C. Santiago - Director - Mr. Palacio

804

1 Q At about 45 minutes into the video, can you describe what
2 we see in the video?

3 A A box truck backed up into the driveway of 249-45.

4 Q At about 47 minutes and 30 seconds into the video, can
5 you give us the converted time?

6 A It's 3:23 and 57 seconds in the afternoon.

7 Q Can you tell us what we see happen?

8 A The box truck drives off the driveway and down 148th Road
9 towards 249th Street.

10 Q And about two hours later, can you give us the converted
11 time?

12 A 5:22 p.m.

13 Q This is 47 minutes and 48 seconds into the video. Can
14 you describe what we see here?

15 A An individual walking down the driveway of 249-45,
16 towards 253rd Street.

17 Q About an hour-and-a-half later, this is 48 minutes and 18
18 seconds into the video, can you give us the converted time?

19 A 6:52 and 33 seconds p.m.

20 Q Can you describe what we see here?

21 A A vehicle came out of 253rd Street and turned onto 148th
22 Road and turned into the driveway of 249-45.

23 Q I'm just going to zoom in on the area around the
24 driveway. This is about 49 minutes and 30 seconds into the
25 video. Can you describe what we see here?

C. Santiago - Director - Mr. Palacio

805

1 A The driver is getting out of the vehicle.
2 Q What do we see about 50 minutes into the video?
3 A The driver is walking towards the house carrying some
4 objects, some white objects.

5 Q I'm going to jump ahead to 1 hour, 13 minutes and 10
6 seconds into the video. What is the date of this video?

7 A That's April 8th, 2018.

8 Q What day of the week was April 8th?

9 A Sunday.

10 Q Here, this is actually 1:13:04 into the video. Can you
11 give us the converted time?

12 A It's 1:52 and 52 seconds in the a.m.

13 Q Is that 1:55?

14 A Sorry, 1:55 and 52 seconds a.m.

15 Q I'm sorry. Actually, now we're at 1:13:30. Can you give
16 us the converted time?

17 A It's 6:06 and 57 seconds in the morning.

18 Q Can you tell us what the red arrow meant to show?

19 A It indicates one individual.

20 Q And the white arrow, what is that meant to show us?

21 A To indicate when the trunk opens and closes.

22 Q Can you describe what we just saw?

23 A The individual came from the house, opened the trunk of
24 the car, put something in the trunk, and walked back towards
25 the house.

C. Santiago - Director - Mr. Palacio

806

1 Q At about 1:14:49, can you describe what we see?

2 A An individual walking from the side of the car to the
3 front of the car and crouched down in front of the car.

4 Q How many times did you see the trunk open and close?

5 A That was twice.

6 Q What do we see here at 1 minute and 15:41, I'm sorry,
7 1 hour 15:41.

8 A An individual walking from the house carrying a white
9 object and putting it in the rear passenger side of the
10 vehicle.

11 Q You see a green arrow at 1:16:44. What is that meant to
12 show?

13 A It indicates a second individual.

14 Q Where did the second individual go?

15 A The driver's seat of the vehicle.

16 Q Detective Santiago, I'm pausing this at 1:18:02. Can you
17 tell us what you've done here?

18 A Yes. So I inserted the photo the government gave to me,
19 and I highlighted the fade marks on the roof and the back of
20 the vehicle. I'm indicating that on the video.

21 So the blue circle indicates the fade mark on the
22 front top of the roof. The yellow indicates the fade mark on
23 the rear roof, and the teal color indicates fade marks the
24 trunk of the vehicle.

25 Q Does that appear to be the Nissan Maxima in the

C. Santiago - Direct - Mr. Palacio

807

1 photographs?

2 A Yes.

3 Q At about 1:18:46, can you describe what we see?

4 A The passenger of the vehicle gets out and walks towards
5 the house.

6 Q And then what happens?

7 A An individual returns and jumps in the passenger seat.

8 Q About 42 minutes later, can you tell us what we see here?

9 This is about 1:19:49 into the video.

10 A The vehicle is driving from 253rd Street into the
11 driveway.

12 Q What is the converted time?

13 A It's 7:11 and almost 40 seconds in the morning.

14 Q At about 1:21:05, can you describe what we see?

15 A Yes. The passenger of the Maxima went to the rear seat
16 and pulled out a white object and walked toward the house,
17 while the driver of the Maxima walked into the house.

18 Q About seven hours later, 1:22:01 into the video, what is
19 the converted time?

20 A 2:10 and 41 seconds in the afternoon.

21 Q Is this still April 8th?

22 A Yes.

23 Q At about 1:25:49 into the video, can you tell us what we
24 see here?

25 A Somebody crouched, an individual crouched down in front

C. Santiago - Direct - Mr. Palacio

808

1 of the vehicle and doing something in front of the vehicle.

2 Q What is the converted time?

3 A It's 6:36 and 32 seconds p.m.

4 Q Two-and-a-half hours later on the 8th, this is about

5 1:27:26 elapsed time, can you give us the converted time?

6 A 9:19 and 40 seconds p.m.

7 (Continued on next page.)

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0. Santiago - Direct - Mr. Palacio

809

1 (Continuing.)

2 BY MR. PALACIO:

3 Q At about 1:28:51, can you tell us what we see?

4 A An individual gets out of the car parked in the
5 driveway, and that individual looks like he's carrying a
6 pizza box, walks to --

7 MS. THIELE: Objection.

8 THE COURT: Well, I think the jury will look at it
9 and see what they can conclude from it.

10 (Video is played.)

11 Q Detective Santiago, about 2 hours and 20 minutes later,
12 this is elapsed time 1:31:26, what does the original date
13 stamp say?

14 A The original date stamp says April 9, 2018.

15 Q Is that on the Monday?

16 A Yes.

17 Q And what's the converted time?

18 A It's 11:45 and 20 seconds p.m.

19 Q Is it still actually April 8th?

20 A Correct.

21 (Video is played.)

22 Q Detective Santiago, at 1:32:22 you inserted a white
23 arrow. Again, remind us what's that meant to show.

24 A To show when the trunk opens and close.

25 Q And how were you able to tell that the trunk opened and

0. Santiago - Direct - Mr. Palacio

810

1 closed?

2 A So if you see, like, where the arrow is at, there's a
3 white -- a white light there. That's the license plate
4 reflection. So you could see --

5 MS. THIELE: Objection.

6 THE COURT: Overruled.

7 A You can see -- you can see that it moves up when the
8 trunk opens and moves down when the trunk closes.

9 (Video is played.)

10 Q And here you have two arrows at 1:32 52. Again just
11 remind us what's that meant to show.

12 A Two separate individuals.

13 Q And how can you tell there was two separate
14 individuals?

15 A From the -- when the doors opened, the lights from the
16 doors turn on, and you see two different individuals.

17 THE COURT: And once again, everybody, you're the
18 factfinders, so it's for you to make the determination.

19 (Video is played.)

20 Q We're at about 1:34:47. Is it now after midnight on
21 the 9th?

22 A Yes.

23 (Video is played.)

24 Q At 1:35:05, shortly after midnight, can you tell us
25 what we see?

0. Santiago - Direct - Mr. Palacio

811

1 A An individual comes out of the passenger side of the
2 Maxima and walks up the driveway towards the house.

3 (Video is played.)

4 Q Detective Santiago, I'm pausing this at 1:36:34 into
5 the video. We see a red circle. Can you explain to the
6 jury what that's meant to show?

7 A To show the light pattern on the vehicle.

8 Q Can you describe that light pattern for the jury?

9 A So the light pattern, there's two lights that I'll call
10 spillage that comes out the sides of the vehicle, like from
11 a 45-degree angle. Here's one and here's another. Okay, so
12 you can see what I'm talking about. So to the sides of the
13 spillage, on the sides here, you see almost like a halo when
14 the car moves. Same thing on the passenger side.

15 So between the car, there's a space right here
16 where there's no light, and then you see the light. So
17 there's a space where there's no light, and then you see the
18 sharp light of the spillage right there and the halo around
19 it, and that's actually the same thing you see on the
20 passenger side.

21 And then in front of the vehicle here, it's dimmer
22 than the rest of the area, and the headlights are more in
23 front of the vehicle.

24 Q And to be clear, we're talking about the headlights,
25 right?

0. Santiago - Direct - Mr. Palacio

812

1 A Yes.

2 Q Is that something that helped you locate the Nissan?

3 A Yes, correct.

4 (Video is played.)

5 Q Can you tell us what we see happen at about 1:37:58?

6 A Individual walked down the driveway, down 148th Road,
7 and gets into the passenger seat of the Maxima.

8 (Video is played.)

9 Q What to we transition to now on this portion of the
10 video?

11 THE COURT: Actually, could I just -- just pause
12 it for a second.

13 Could I see counsel at the sidebar? Just
14 scheduling-wise. No need for the reporter.

15 (Discussion held off the record at sidebar outside
16 the presence of the jury and audience.)

17 THE COURT: All right, everybody. I realize that
18 I didn't give you a break this afternoon, so I hope
19 everybody's okay.

20 But I do think, just in terms of what we have
21 left, this is a good time to stop. And so we'll be
22 adjourning for the day and we won't meet again until Monday
23 morning at 9:30.

24 So just to emphasize, I know I sound like a broken
25 record, but please don't research anything. Don't look

Proceedings

813

1 anything up. Obviously don't go to any places that have
2 been mentioned. Don't talk to anybody about the case.

3 But I hope you're able to do something enjoyable
4 this weekend, and then we'll see you all again on Monday
5 morning at 9:30. And as always, please stay healthy.

6 All right. Have a great weekend.

7 THE COURTROOM DEPUTY: All rise.

8 (Jury exits.)

9 THE COURT: Everybody can have a seat.

10 You can step down, Detective. Just come back on
11 Monday.

12 (Witness exits the stand.)

13 THE COURT: Anything before we break?

14 MS. DEAN: Nothing from the Government. Thank
15 you.

16 MR. CECUTTI: Judge, just one issue.

17 There were several instances where the witness
18 characterized certain things. There are limitations; there
19 are boundaries.

20 THE COURT: Right.

21 MR. CECUTTI: That's where we made objections.

22 THE COURT: Right.

23 MR. CECUTTI: Perhaps the Government can speak
24 with their witness when we resume on Monday and keep to
25 simply --

1 THE COURT: I mean, it is fine to point out
2 certain things, and I've cautioned the jury that it's their
3 interpretation that controls, so I don't think there's been
4 any harm done.

5 But it's fine to point things out. I think --
6 what did he say, something about pizza?

7 MR. CECUTTI: A pizza box is an example.

8 THE COURT: I don't think the pizza box is
9 unfairly prejudicial. But again, I take the point that the
10 witness should not be doing too much interpretation about
11 what's actually happening. But to the extent they're
12 observations that are sort of neutral, that's fine. All
13 right?

14 Anything else?

15 MR. CECUTTI: No, Judge.

16 THE COURT: All right. Have a good weekend,
17 everybody.

18 | Thank you to the marshals.

19 (Trial adjourned until Monday, February 26, 2024,
20 at 9:30 a.m.)

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1 I N D E X

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3 WITNESS4 PAGE5 **JUNAID SAEED**

6 DIRECT EXAMINATION BY MS. DEAN: 637

7 **RICHARD BUSICK**

8 DIRECT EXAMINATION BY MS. DEAN 643

9 CROSS-EXAMINATION BY MS. THIELE 737

10 REDIRECT EXAMINATION BY MS. DEAN 756

11 RECROSS EXAMINATION BY MS. THIELE 757

12 **CEDRIC RAYMONDO**

13 DIRECT EXAMINATION BY MS. HAJJAR 759

14 CROSS-EXAMINATION BY MR. CECUTTI 766

15 **OMAR SANTIAGO**

16 DIRECT EXAMINATION BY MR. PALACIO: 770

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816

1 E X H I B I T S
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3	Government's Exhibit 1203	636
4		
5	Government's Exhibit 353 and 354	640
6		
7	Government's Exhibits 300, 301, 303, 305,	
8	and 308	642
9		
10	Government's Exhibit 26	673
11		
12	Government's Exhibit 27	727
13		
14	CROSS-EXAMINATION BY MS. THIELE	737
15		
16	Government's Exhibit 996	765
17		
18	Government's Exhibit 100	785
19		
20	Government's Exhibit 101	787
21		
22	Government's Exhibits 13 and 13A	788
23		
24	Government's Exhibit 16	791
25		

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Government's Exhibit 11

795

Government's Exhibit 112

798